

Notice of Governance and Policy Committee Meeting



MEMBERSHIP

Vacancy (Presiding Member)

Cr Rob Unger
Cr Jessica Hawkvelt
Cr Irena Zagladov

Cr Lucas Jones
Cr Kimberley Drozdoff

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next GOVERNANCE AND POLICY COMMITTEE MEETING will be held in the Civic Centre, 571 Montague Road, Modbury on WEDNESDAY 22 NOVEMBER 2023 commencing at 6.30pm

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting or listen and observe minutes via [Council's website](#).

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 17 November 2023

CITY OF TEA TREE GULLY
GOVERNANCE AND POLICY COMMITTEE MEETING
22 NOVEMBER 2023

AGENDA

1. Opening and Welcome

2. Attendance Record:

- 2.1 Present
- 2.2 Apologies
- 2.3 Record of Officers in Attendance
- 2.4 Record of Number of Persons in the Public Gallery

3. Confirmation of Minutes to the Previous Meeting

That the Minutes of the Governance and Policy Committee held on 30 August 2023 be confirmed as a true and accurate record of proceedings.

4. Public Forum

Available to the public to address the Committee on policy, strategic matters or items that are currently before the Committee. Total time 20 mins with maximum of 2 mins per speaker. For more information refer to Council's website www.cttg.sa.gov.au

5. Deputations - Nil

Requests from the public to address the meeting must be received in writing prior to the meeting and approved by the Presiding Member. For more information refer to Council's website www.cttg.sa.gov.au

6. Presentations - Nil

Requests to present to the meeting must be received in writing 5 days prior to the meeting and approved by the Presiding Member. For more information refer to Council's website www.cttg.sa.gov.au

7. Petitions - Nil

8. Adjourned Business - Nil

9. Motions Lying on the Table - Nil

10. Management Reports

Office of the Chief Executive Officer - Nil

City Operations - Nil

Corporate Services - Nil

Community Services - Nil

11. Returned Policies - Nil

12. First Discussion of Policies

12.1 Waste Management Policy 5

12.2 Community Safety Policy 23

12.3 Elected Member Support and Training Policy 41

12.4 Public Interest Disclosure Policy..... 57

12.5 Footpath Policy..... 97

12.6 Emergency Management Policy / Incident Management Policy 106

12.7 Waterworld Management Policy..... 119

13. Notice(s) of Motion - Nil

14. Motion(s) without Notice
15. Question(s) on Notice - Nil
16. Question(s) without Notice
17. Status Report on Resolutions
 - 17.1 Status Report on Governance and Policy Committee Resolutions..... 125
18. Other Business
19. Confidential Items - Nil

A record must be kept on the grounds that this decision is made.
20. Date of Next Meeting

31 January 2024
21. Closure

WASTE MANAGEMENT POLICY

Responsible Manager: Manager City Strategy

The Waste Management Policy is due for review as part of the cyclical review process and has been revised in line with the Waste and Resource Recovery Strategy 2033, which was adopted by Council at the 11 July 2023 Council meeting.

The policy has been restructured, using the new policy template, and some of the language has been changed to aid readability, understanding and use. Given the extent of the structural changes, the policy has been rewritten rather than the original supplied with tracked changes. While the policy has been rewritten, its intent remains unchanged.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Waste Management Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted.

| Summary of changes | | |
|--------------------|-----------|---|
| Page No. | Heading | Comments |
| 1-2 | 2. Policy | The strategic position of Council detailed on page 2 of the original Waste Management Policy has been |

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| | | replaced by reference to the Waste and Resource Recover Strategy 2033, its vision and the six key focus areas, which are detailed on pages 1 and 2 of the revised policy. |
| 3 | 2.2.2 Additional bins | In line with Council's endorsement of the 2023-2024 Fees and Charges Register , the option to request an additional green-lid food and organics bins and yellow-lid recycling bins free-of-charge has been included as part of Council's standard offering , subject to the applicant demonstrating a reasonable need for an additional bin. |
| 3 | 2.2.2 Additional bins | The provision for access to a free additional red-lid waste-to-landfill bins has been increased from five persons living at a property to six. This change aligns Council with other metropolitan councils and again seeks to encourage households to reduce the amount of waste they generate and or divert recyclable material from landfill. |
| 4 | 2.2.4 Alternative arrangements – multi-unit or similar dwellings | This section clarifies Council's position on the provision of the standard MGB allocation to properties that choose to have their waste and recycling managed through a commercial contractor. In making their decision to use a commercial contractor, they will forgo their eligibility to access the standard MGB entitlement as detailed in section 2.2.1 of the revised Policy. |
| 4 | 2.2.6 Stolen, vandalised or damaged bins | This section has been updated to include the option for Council to collect and reallocate a missing or stolen bin should it appear in a different place to its registered location and without notification. |
| 6 | 2.4 Non-residential waste | This section of the Policy has been restructured to provide clarity to all non-residential properties in relation to their entitlements. |
| 6 | 2.4.1 Primary and secondary schools | |

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| | | <p>In line with the advice from the Department for Education (EDU), Council will no longer be required to provide waste collection services or bins to EDU primary and secondary schools. This follows their transition to a new waste collection and processing contract arrangement. While this position has been introduced to Council's Waste and Resource Recovery Policy, a provision has been made for exemption to be granted should then need arise.</p> <p>EDU are currently rolling out their new bin systems and have not yet provided a date for the commencement of this new arrangement.</p> <p>According to Solo, Council currently services about 56 bins from 21 EDU schools, half of them being recycling bins. Of the schools Council services only 7 are non-EDU schools.</p> <p>The eligibility to receive waste education services has also been included, as has the need to recognise Council's contribution.</p> |
| 7 | 2.2.4 Commercial premises | <p>We have clarified the provision of Council's standard MGB entitlement to commercial and industrial premises where multiple tenancies exist within a single service entitled premise. Only one standard set of bins and an associated waste collection service will be provided, unless otherwise previously approved by Council.</p> |
| 8 | 2.6.3 Collection points for hard to recycle items | <p>Reference has been added to Council provision of hard to recycle collection points for items that cannot be collected through the kerbside bin system.</p> |
| 8 | 2.6.4 Incentives and rebates | <p>This section has been added in line with the following resolution from the 26 September 2023 Council meeting, which states:</p> <p>"Staff will present to the Governance and Policy Committee in November 2023 recommendations to embed the Reusable Nappy and Sanitary Item</p> |

| | | |
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| | | <p>Rebate Program into relevant policies and waste to landfill avoidance rebate programs.”</p> <p>The potential for the provision of a broader incentive/rebate program in the future has also been addressed.</p> |
| 9 | 2.6.5 Other waste services | <p>This section has been added in line with Council’s Waste and Resource Recovery Strategy 2033 to enable Council the flexibility to undertake service trials, conduct reuse and recycling events and or partner with government and/or commercial providers to provide additional services where it is economically feasible to do so.</p> |
| Changes during or after GPC Meeting for Council Meeting [date] | | |
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| Supporting Information |
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Attachments

1. [Waste Management Policy - Reviewed version for GPC 16 August 2023](#) 9

Waste and Resource Recovery Policy



1. PURPOSE

This policy sets out the waste and resource recovery services provided by the City of Tea Tree Gully.

2. POLICY

The City of Tea Tree Gully is committed to delivering a sustainable waste management service that meets community need, complies with legislative requirements, aligns with the waste management hierarchy and circular economy principles, and is environmentally, economically and technologically feasible.

As detailed in Council's Waste and Resource Recovery Strategy 2033 our vision is for a future where:

- a. Waste is viewed as a valuable resource
- b. Landfill is avoided to the greatest extent possible
- c. The useful life of materials is maximised through reuse, repair and recovery
- d. The environment and human health are safeguarded from the negative impacts of waste.

This vision is underpinned by six key focus areas:

Avoidance, reuse and recovery

Minimise waste generation, keep materials in use for as long as possible, and enhance source separation and resource recovery, ensuring all avoidable waste is removed from the waste stream.

Engagement, education and activation

Engage residents, schools, businesses and community organisations through education, awareness campaigns and capacity building programs that foster sustainable behaviour change and empower our community to take ownership and make responsible consumption and disposal decisions.

Service delivery and operations

High order waste hierarchy outcomes are embedded in our decision making, our operations actively

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support the development of a circular economy, and our waste management services are well governed, accessible and respond to community need.

Collaboration and innovation

Collaborate with government, industry, business, educational institutions and community to leverage collective knowledge, resources, and expertise to develop innovative solutions.

Reform, advocacy and alignment

Proactively drive long-term strategy, policy and legislative change that benefits the City of Tea Tree Gully and its community.

Environmental protection and human health

The adverse effects of waste on the environment and human health are minimised, and our city and our community are protected from environmental health risks.

These focus areas **shape Council's approach to waste management and resource recovery.**

This Policy is to be read and implemented in conjunction with other relevant Council policies, strategies, by-laws and documents.

2.1 Administration of Waste Services

Kerbside waste services are managed by Council and delivered by contracted service providers.

2.2 Bins

2.2.1 Standard bin allocation

To enable the collection of waste-to-landfill, recyclables and food and organic material, each occupied property, regardless of the size or type, are required by Council to have the following:

- a. One 140 litre red-lid landfill bin
- b. One 240 litre yellow-lid recycling bin
- c. One 240 litre or 140 litre green-lid food and green organics bin.

Occupied residential properties are also eligible to receive:

- a. One 8 litre kitchen caddy and an annual supply of 150 compostable bags.

Compostable bags are made available for collection from selected Council facilities as determined by Council staff.

All council supplied bins are identifiable and asset management tools are used to assist with education, customer support and contract management.

MGBs may be identified by the ratepayer or resident by applying a stick-on house number or by painting on numbers. Engraving is not permitted.

2.2.2 Additional bins

Where the ratepayer of an occupied residential property can satisfactorily demonstrate the need to remove additional food and organic material and or recyclable material from their property, they may request:

- a. One additional 240 litre yellow-lid recycling bin free of charge
- b. One additional 240 litre or 140 litre green-lid food and green organics bin free of charge

Upon request, **Council's** may, at its discretion, provide a third green-lid food and organics or yellow-lid recycling MGB for a nominal fee. A maximum of two additional green-lid food and organics or yellow-lid recycling MGBs may be provided per occupied residential property.

Additional red-lid waste-to-landfill MGBs may be approved upon application on the basis the ratepayer of an occupied residential property satisfactorily demonstrates there is a need to remove additional domestic material from the property. Additional charges apply, except upon justification from:

- a. A resident living in a rateable residential property with a medical condition who may generate additional residual waste due to their medical condition.
- b. A resident living in a rateable residential property with with six or more occupants.

The presence of an additional outbuilding such as granny flat, rumpus room, or separate unit where additional rates are not paid for that outbuilding is not sufficient grounds for the provision of an additional red-lid waste-to-landfill MGB.

Evidence must be supplied to support a request for an additional MGB and is subject to annual review.

Commercial premises, primary and secondary schools, leased facilities and community and not-for-profit organisations are ineligible for additional free MGBs.

2.2.3 Bin ownership

All Council supplied MGBs are the property of Council and must remain with the assigned property at all times, unless returned to Council. The only exception are privately-owned green-lid food and organics bins purchased prior to 2020.

Residential waste and recycling storage areas are to be located away from dwellings and screened from public view. The responsibilities of ratepayers or residents in relation to their MGBs are detailed in Council's [Waste Management By-law 2021](#).

2.2.4 Alternative arrangements – Multi-unit or similar dwellings

Owners of units and multi-dwelling complexes are may access the standard MGB entitlement as described in section 2.2.1 of this Policy.

Council may provide alternative waste-to-landfill, recycling and food and organics disposal arrangements where the provision and or collection of MGBs is impractical for any reason. In such instances, the property owner or Strata / Community Corporation may:

- a. Choose, with the approval of Council, to share a lesser number of MGBs.
- b. Apply to Council for a non-standard waste service for waste-to-landfill, recycling and food and organics disposal. This may include the provision of larger MGBs or bulk bins.
- c. Organise an on-site shared waste collection arrangement with a commercial **contractor (at their cost) in place of Council's standard waste service**. This must include provisions for the correct disposal of waste-to-landfill, recycling and food and organics material.

Where alternate arrangements are to be considered, it is the responsibility of the property owner or Strata / Community Corporation to provide Council with a Waste Management Plan detailing how waste will be managed. Request will be assessed by Council staff on a case by case basis.

Where the property owner or Strata / Community Corporation chooses to have their waste and recycling managed through a commercial contractor, they forgo their right to access the standard MGB entitlement as detailed in section 2.2.1 of this policy.

2.2.5 New developments

Developers are to consider the provision of waste services to ensure collection is manageable by **Council's waste collection contractor, and according to the service levels of the contract**.

Where Council cannot safely, lawfully or practically provide waste services to a particular residential development, a private commercial waste and recycling services must be provided by the property owner or Strata / Community Corporation, at their own cost. This must include provisions for the correct disposal of waste-to-landfill, recycling and food and organics material.

Where the property owner or Strata / Community Corporation chooses to have their waste and recycling managed through a commercial contractor, they forgo their right to access the standard MGB entitlement as detailed in section 2.2.1 of this policy.

2.2.6 Stolen, vandalised or damaged bins

Council will replace lost and stolen MGBs where it can be established that the loss of the bin was beyond the control of the ratepayer or resident. The ratepayer or resident must complete the appropriate service request form on **Council's** website.

Where MGBs have been damaged or lost through negligence of the ratepayer or resident or through inappropriate use, Council will repair or replace them at cost to the ratepayer or resident.

If an MGB has been damaged by Council's waste collection contractor, reasonable wear and tear, has a manufacturing fault, or has been vandalised, then it will be repaired or replaced following inspection and determination.

All repairs or replacements of MGBs is managed by Council's waste collection contractor.

If a stolen or missing MGB appears in a different place the registered location, Council reserves the right to collect and relocate the MGB without notification.

Where the ratepayer or resident owns their green-lid food and organics MGB, Council will, at its discretion, repair or replace the MGB if damaged during the collection process. If a new green-lid food and organics MGB is issued, it will remain the property of Council. At the **ratepayer's or resident's** discretion, Council will recycle the damaged bin.

2.3 Collections

In line with current legislation, Council's standard waste service provides the following:

- a. Weekly waste-to-landfill collection
- b. Fortnightly co-mingled recycling collection
- c. Fortnightly food and green organics collection
- d. Two at-call hard waste collection services per occupied residential property per year

Collection days are based on location and are published on council's website.

All MGBs must be placed out for collection by 6.00am on the designated day of collection. Collection **will be undertaken by Council's appointed** waste collection contractor between the hours of 7am and 7pm. Service times may vary outside of these hours in events such as extreme heat, waste collection vehicle breakdowns and or to minimise safety risks.

Collections **will not occur on Good Friday, Christmas Day or New Year's Day**. Arrangements for collections that would otherwise occur on these days will be **published on Council's website** and advertised through selected Council communication channels.

The responsibility of the ratepayer or resident in relation to the placement and removal of MGBs pre and post collection are detailed in Council's [Waste Management By-law 2021](#).

2.3.1 Collection assistance

Assistance may be provided where a ratepayer or resident is unable to place their own MGBs out for collection and retrieve them after they have been emptied. To request assistance, the ratepayer or resident must complete the appropriate service request form **on Council's website**.

Requests for assistance must be accompanied by documentary evidence – eg a functional assessment from a qualified medical practitioner - and will be subject to review by Council. If the service is unable to be provided due to occupational safety issues or other reasons, Council will work with the eligible property owner or occupant to find an alternative arrangement.

Service provision and eligibility will be reviewed periodically.

2.3.2 Refusal to collect an MGB

Council may refuse to service an MGB if:

- a. The ratepayer or resident fails to use the approved MGB
- b. The MGB is contaminated with incorrect contents or prohibited substances
- c. The MGB exceeds the maximum weight of 60 kg
- d. If material is caught in the MGB and cannot be removed by normal operation
- e. If the MGB is over-full and the lid is open
- f. The MGB is incorrectly presented for collection or is placed in a location that cannot be reached by the collection vehicle
- g. The MGB is placed out late for collection

Where an MGB has not been serviced due to any of the above reasons, a notice will be left on the MGB advising the reason for the refusal to service.

Subject to compliance with its obligations at law, Council reserves the right to cease a collection services where there is repeated misuse of the service.

2.4 Non-residential waste

2.4.1 Primary and secondary schools

All primary and secondary schools located in the City of Tea Tree Gully are eligible to receive waste education services directly through Council at no charge.

Council will not provide MGBs or waste collection services to Department for Education (EDU) primary and secondary schools. In this instance, waste collection services and the provision of MGBs are the responsibility of the DfE. **Exemptions may be granted at Council's discretion.**

Council may provide MGBs and waste collection services to non-EDU schools by arrangement.

Schools that have an appropriate waste service that allows food and organic material to be commercially composted, may request one 8 litre kitchen caddy and a maximum annual supply of 150 compostable bags per 25 students. Council will not supply kitchen caddies or compostable bags to EDU schools that are supplied kitchen caddies and compostable bags.

Schools that receive materials and or waste education services from Council must recognise **Council's contribution in a communication to the entire school community** – eg a school newsletter - along with a positive message about the importance of landfill reduction and diversion.

2.4.2 Leased facilities

Leased facilities occupied by clubs, will be responsible for managing their waste services in accordance with their lease agreement. This may be subject to fees and charges.

2.4.3 Community and not-for-profit organisations

Pre-schools, kindergartens, childcare centres, churches and not-for-profit organisations are entitled to a single set of MGBs as described in section 2.2.1 of this Policy at no charge, providing they can be presented kerbside for collection.

Additional free MGBs will not be provided to community and not-for-profit organisations.

2.4.4 Commercial premises

While Council's is not legally required to collect waste generated by the activities of business, industrial and commercial premises, these premises may access the standard kerbside service as described in section 2.2.1 of this Policy at no charge, providing they can be presented kerbside for collection and are only used for the disposal of domestic waste material.

In locations where multiple tenancies exist within a single service entitled premise, only one standard waste collection service will be provided, unless otherwise previously approved by Council.

Additional free MGBs will not be provided to business, industrial or commercial premises.

2.6 Other waste services

2.6.1 Hard waste

Council provides residential ratepayers and residents two at-call hard waste collection services per annum. This includes residents of independent living, retirement villages or similar, but excludes nursing homes and other supported accommodation.

Hard waste collections from independent living, retirement villages or similar are arranged by negotiation with the facility.

Primary and secondary schools, leased facilities, community and not-for-profit organisation and business, industrial and commercial premises are not entitled to a hard waste collection.

Hard waste collections must be **pre-booked with Council's waste collection contractor**. Upon booking, the ratepayer or resident will be sent a confirmation letter or email along with instructions for using the service and a list of permissible items.

Waiting times may apply to the service and these will be advised at the time of request. The waiting times may vary depending on operational requirements.

The ratepayer or resident must not place material on the kerbside until 24 hours prior to the nominated collection date. It is the responsibility of the ratepayer or resident to maintain the items put out for collection in a safe manner until they are collected.

The ratepayer or resident must **notify Council's waste collection contractors, no less than 48 hours** prior to their collection date, if they no longer need their hard waste collection service.

2.6.2 Enviro Care

Council provides ratepayers and residents of the City of Tea Tree Gully with a recycling service for large organic material as follows:

- a. The service operates at St Agnes Recreation Park (Smart Road, St Agnes) on such a time/date or place as advised by Council.
- b. The service is provided for ratepayers and residents for domestic quantities only – eg car boot or trailer.

The provision of this service is at the discretion of Council. The yearly schedule may be varied from time to time to allow for operational constraints or special events.

2.6.3 Collection points for hard to recycle items

Council provides drop-off points for the collection of domestic quantities of selected hard to recycle items which cannot be recycled through the kerbside bin system.

The location of these collection points and the items collected are at the discretion of Council with **information available on Council's website**.

2.6.4 Incentives and rebates

Council encourages ratepayers and residents to use reusable nappies and sanitary items through the Cloth Nappy and Reusable Sanitary Product Rebate Program. Full details of the program are **published on Council's website**.

Council may provide, from time to time, other incentives and or rebates to ratepayers, residents, businesses, schools and or community organisations with the view to encouraging recycling, reuse, repurposing and reducing the amount of waste sent to landfill. These programs will be subject to the following principles:

- a. Eligibility of specific products or services is at Council discretion.
- b. Council reserves right to cease incentives at any time without notification.
- c. Applicants are not guaranteed to receive funding.
- d. Rebate specific eligibility criteria and conditions will apply.

2.6.5 Other waste services

Council may, where it is economically feasible to do so:

- a. Trial variations to its waste and resource recovery services to better understand the impact of such changes on the diversion of waste from landfill and to inform future decision making.
- b. Conduct recycling events to provide an opportunity for ratepayers and residents to recycle, reuse and repurpose domestic quantities of unwanted household items with the view to reducing the amount of waste sent to landfill.
- c. Provide other waste services, either in its own right or in partnership with other government agencies and or commercial entities.

2.6.6 Public place litter bins and dog bag dispensers

Public place litter bins include all general waste-to-landfill, recycling and organics bins in Council streets, parks and reserves. They are placed in high-use locations to assist in managing and recycling public waste and to encourage people to avoid littering.

While residents and ratepayers may make requests for additional public litter bins, the need for and placement of public litter bins will be determined by Council staff.

Public litter bins will not be placed on private property.

The use of public litter bins for the disposal of commercial waste and or household waste is prohibited.

Dog bag dispensers are filled with compostable bags. The provision of such dispensers, including **any associated bins for the collection of pet waste, is at Council's discretion.**

2.6.7 Bin audits

Council will, from time-to-time, carry out audits and or inspections of MGBs placed out for kerbside collection to better understand the effectiveness of **Council's Waste and Resource Recovery Strategy 2033**.

The results of the audits and or inspections may be used to inform Council decision making and future service provision as well as for educational purposes.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Enviro Care

Refers to the service provided by Council for City of Tea Tree Gully residents to dispose of domestic quantities of organic material on such a day, time and at a place as advised by Council.

MGBs

Refers to the Council provided container(s) used for the temporary storage of waste, recycling or organics. The sizes are either 140L or 240L.

Bulk bin

Refers to the Council provided container(s) used for the temporary storage of waste, recycling or organics. Size range includes 660L, 1100L, 1500L and 3000L.

Occupied residential property

Refers to a residential property located in the City of Tea Tree Gully that is occupied by one or more persons.

Ratepayer

Refers to a person or persons, either jointly or alone, that own the property that is rateable under Chapter 10 of the Local Government Act 1999.

Resident

Refers to a person or persons who are, either jointly or alone, residing or present in a property that is rateable under Chapter 10 of the Local Government Act 1999 (to the substantial exclusion of others)

Rateable Property

Refers to land or property in the City of Tea Tree Gully that is rateable under Chapter 10 of the Local Government Act 1999.

Commercial premises

Refers to business, industrial and commercial premises located in the City of Tea Tree Gully that are rateable under Chapter 10 of the Local Government Act 1999 (to the substantial exclusion of others)

Asset Management tools

Asset management tools include but is not limited to the use of radio frequency identification technology (RFID) which is fitted to Council supplied MGBs for the purpose of bin identification and management.

Recycling/recyclables

Refers to items that can be recycled through commercial recycling operations where collected kerbside recycling is processed.

Food and green organics

Refers to items that can be composted through commercial composting operations where collected kerbside food and organics material is processed.

Waste-to-landfill

Refers to residual waste that has no better or more appropriate avenue of disposal. This waste is sent to landfill for disposal and is not recycled or composted.

4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

Waste and resource recovery services are provided by the City of Tea Tree Gully in accordance with the following legislation:

- a. [Environmental Protection Act 1993](#)
- b. [Environmental Protection \(Waste to Resources\) Policy 2010](#)
- c. [Green Industries SA Act 2004](#)
- d. [South Australian Public Health Act 2011](#)
- e. [South Australian Public Health \(General\) Regulations 2013](#)
- f. [Local Government Act 1999](#)
- g. [Planning Development and Infrastructure Act 2016](#)

4.1. Other references

Council's documents including:

- a. [Waste and Resource Recovery Strategy 2033](#)
- b. [Waste Management By-Law of 2021 - By-law No.6 of 2021](#)
- c. [Asset Management Policy](#)
- d. [Procurement Policy](#)
- e. [Tea Tree Gully Council Development Plan](#) (Consolidated – 29 September 2016)
- f. [Planning and Design Code](#) (as of late 2020)
- g. [Fees and Charges Register](#)
- h. [Waste and recycling information](#) on Council's website: www.cttg.sa.gov.au

External documents including:

- a. [National Waste Policy – Less Waste More Resources 2018](#)
- b. [National Waste Policy Action Plan 2019](#)
- c. [National Food Waste Strategy](#)
- d. [National Plastics Plan 2021](#)
- e. [Recycling and Waste Reduction Act 2020](#)
- f. [Supporting the Circular Economy – South Australia's Waste Strategy 2020-2025](#)
- g. [Valuing Our Food Waste – South Australia's Strategy to reduce and divert household and business food waste 2020–2025](#)
- h. [Single-use and Other Plastic Products \(Waste Avoidance\) Act 2020](#)
- i. [Single-use and Other Plastic Products \(Waste Avoidance\) Regulations 2021](#)
- j. [Product Stewardship Act 2011 \(Cth\)](#)

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

| Objective | Comments |
|---|---|
| Community | |
| <i>Our services are accessible to all and respond to changing community needs</i> | All members of the community are encouraged to responsibly utilise the waste services. |
| Environment | |
| <i>Environmentally valuable places and sites that are flourishing and well cared for</i> | The waste services are focussed on both household and public litter removal, which provides for a cleaner environment. |
| <i>A community that is protected from public and environmental health risks</i> | Waste removal is integral to hygienic environment and community. |
| <i>The carbon footprint of our city is reduced through the collective efforts of community and Council, including businesses</i> | The waste management and resource recovery activities have a direct impact on the carbon footprint of our City. |
| <i>Our consumption of natural resources is minimized by reducing, reusing and recycling products and materials, and using renewable resources</i> | The promotion of circular economy principles, and the recycling of materials is a core function of the waste management. |
| Places | |
| <i>Streets, paths, open spaces and parks are appealing, safe and accessible</i> | The waste collections services is focussed on both household and public litter removal, which provides for a cleaner environment. |
| Leadership | |
| <i>Leadership and advocacy is focused on the long term interests of the community</i> | Waste management service provision impacts directly on the core business of Council, the environment and the community. |

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on four key themes of organisational excellence. The themes most relevant to this report are: Customer Care; Learning & Growth; Future Capability; Sustainable Operations.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with **Council's scheme of delegations**.

| | |
|---------------------------------|--|
| Record number | |
| Responsible Manager | Manager City Strategy |
| Other key internal stakeholders | General Manager Strategy & Finance |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 25/8/20, 08/11/16, 08/04/14, 12/6/12, 09/03/10, 10/10/06, 13/03/01 |
| Legal requirement | 160 |
| Due date next review | 2027 |
| Delegations | |

COMMUNITY SAFETY POLICY

Responsible Manager: General Manager Community Services

This Policy was initially provided to the Service Review Committee for establishment. This has been provided to the Governance and Policy for review at the request of the **Committee members and inline with the CEO's commitment to bring this to a meeting prior to the end of the year.**

RECOMMENDATION

That the “Community Safety Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted.

| Summary of changes | | |
|--------------------|-------------------------|--|
| Page No. | Heading | Comments |
| 5,6 | 2.2.1 Animal Management | Amended operating hours in a, b, c, added example of when response times vary d. included full name of DACO f. added new item relating to dog incident and dog noise investigations h. correct reference to DCMB i. added new item about microchipping and desexing follow ups |

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| | | j. changed name of dog registration follow up (previously doorknock) k. added new item about physical doorknock |
| 6 | 2.2.2 Local Nuisance and Litter complaints | c. added new item about changes to legislation |
| 6. | 2.2.4 Verge Encroachments | Changed responsible department Suggest this needs to be removed from this policy |
| 7. | 2.2.6 Verge and footpath parking | d. corrected reference to <i>site</i> entry pit to read <i>side</i> entry pit |
| 8. | 2.2.11 Unclaimed Goods | Reworded this to define actions for each set of circumstances |
| 9. | 2.2.12 Fire Prevention | b. added emphasis to rural and at-risk properties and change inspection time from one to two months f. added new item relating to 105F notices issued i. included full name of organisations shown as abbreviations |
| 10 | 2.2.18 Warm Water and Cooling Water System Inspections | a, b corrected process description and timeframes c new item relating to SA Health legionella investigations |
| 11 | 2.2.19 Skin Penetration Business Inspections | a removed wording about results of previous audits and corrected inspection time requirement |
| 11, 12 | 3. Definitions | Added definition of Fire Prevention Officer |
| 13 | 3. Definitions | Reworded definition of Order to give more clarity |
| 13 | 3. Definitions | Added definition of Unclaimed Goods |
| 13 | 4.1 Reference to Legislation | Added <i>and Regulations</i> were required Added Environment Protection (Air Quality) Policy 2016 Added Expiation of Offences Act 1996 and Regulations Added Unclaimed Goods Act 1987 and Regulations |
| 14 | 4.2 Other references | Changed reference to Enforcement Policy to Compliance & Enforcement Policy |
| 15 | 5.1 Strategic Plan | Corrected spelling of <i>liveability</i> |
| Changes during or after GPC Meeting for Council Meeting [date] | | |
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Supporting Information

Attachments

1. [!\[\]\(d2dcd986d13a580d5a46509a8d340611_img.jpg\)](#) Community Safety Policy26

Community Safety Policy



1. PURPOSE

Council is committed to a safe, accessible and livable city for the community to enjoy and that education, encouragement and enforcement action all contribute to achieving this outcome.

Although Council has legislative responsibilities to undertake various functions within the Community Safety Department, these services are also undertaken to enhance the quality of life and health of the community, prevent damage to person and property, provide educational awareness to the community on matters of compliance and support economic development where possible.

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This policy has been developed in line with relevant legislation and should be read in conjunction with relevant policies, procedures and other operational documents.

2. POLICY

Council employees will carry out investigation and enforcement activities with due regard to the following principles:

Consistency – Council will endeavour to take a similar approach in similar cases to achieve similar outcomes.

Education – Council will provide support, advice and guidance to assist compliance with relevant legislation and build on community capability.

Transparency – Council will demonstrate impartiality, balance and integrity when it undertakes enforcement activities.

Accountability – Council is willing to explain their enforcement decisions and make available avenues for complaint or appeal.

Proportionality – Enforcement measures are proportionate to the seriousness of the conduct.

Responsiveness – Enforcement measure and responsiveness are proportionate to the particular circumstances in line with current service standards.

Targeted (Resources) – Enforcement activities are focused on the areas of assessed highest risk, legislative responsibility and current perceived community value.

Cross functional – We will work with other teams, departments and authorities toward effective enforcement activity. We will do this by means of exchanging information and joint working initiatives.

Authorised Officers have formal authorisations and delegations to investigate and execute powers under nominated Acts.

The City of Tea Tree Gully has a low appetite for negative perceptions that compromise its credibility and reputation, achievement of its long-term vision and strategic objectives, or ability to maintain its status as a progressive Council.

The City of Tea Tree Gully has zero tolerance for non-compliance with applicable legislation.

An Annual Educational Program will support the Policy and the annual work plan of the department. The Educational Program will include public communication planning and aligned operational activities. This will include communication in the lead up to dog registration renewal, support for schools to educate parents and caregivers on safety around schools and alignment to state-wide campaigns lead by the Dog and Cat Management Board.

2.1 Decision Making and Enforcement Options

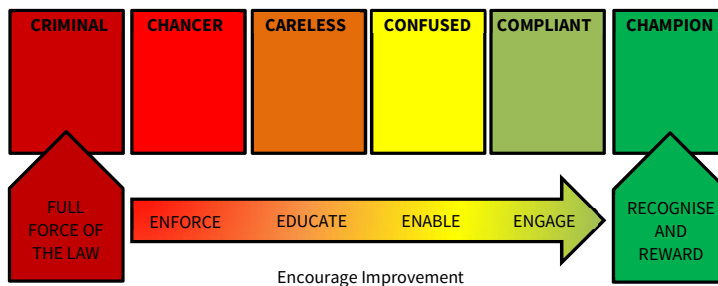
Decision making frameworks will be developed for operational procedures in line with this policy. The following provides a reference for establishing a decision-making framework, and/or work process:

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| Intent / Motivation | Possible Enforcement Response |
|--|---|
| Criminal – as defined by the relevant legislation in each case, but generally a behavior associated with intentional or serious negligence leading to harm or injury. | Prosecution, referral to appropriate authority (i.e., SAPOL). |
| Chancer – someone who is reasonably expected to know the laws but it willing to risk it. | Notice, expiation, prosecution through election or repeated offences. |
| Careless – someone who is reasonably expected to know the laws but has not given sufficient attention or thought to avoiding non-compliance. | Education, warning/caution, notice, expiation for repeated offences. |
| Confused – someone who has little experience or knowledge of the laws, or someone who lacks clear distinction of the elements of the law and has accidentally breached it. | Enable compliance, education, warning. |

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| Compliant - someone who is reasonably expected to know the laws and displays such knowledge, skills and experience to meet the requirements of laws. | Enable compliance, positive compliance reports, council data and reporting. |
| Champion – someone who understands the laws and displays knowledge, skills and experience, and is willing to educate and demonstrate to others. | Positive compliance reports and recognition of attainment. |



A number of enforcement options are available to delegated and Authorised Officers when considering enforcement actions:

| Option | Description |
|-----------------|---|
| No Action | No action may be taken when, after an investigation, no breaches of the legislation are discovered, or where the breach is insignificant or inconsequential with regard to community impact. |
| Informal Action | Education will be a critical component to encouraging and achieving voluntary compliance. Educational tools and strategies may be developed by the department and may include: verbal advice; provision of information; corrective action requests; verbal warnings; and written warnings. |

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| Formal Action | Council has various powers that it may use to secure legislative compliance. Guidelines and procedures that accurately set out a prescribed process specific to the administration of legislation can include: issuing of Orders/Notices and Directions; issuing of expiations; Prosecutions and action regarding Default of Order/Notice. |
| Service of Orders/Notices and Directions | An Order/Notice is a written direction of Council requiring specific action to be taken to secure legislative compliance. A range of legislation administered across the department provides Authorised Officers with the delegation to issue an Order/Notice and specific requirements as detailed in the relevant Act that the Officer is Authorised. Notwithstanding the provisions of the other legislation, Section 254 of the Local Government Act 1999 gives Council Order Making Powers that allows Authorised Officers to order a person to do, or refrain from doing, a specified activity. |
| Service of an Expiation Notice | If an expiation fee is fixed by or under an Act, regulation or By-Law in respect of an offence, an Expiation Notice may be given under the Expiation of Offences Act 1996. Council Officers will use professional judgement and discretion to assess the variables relating to each matter under consideration. |
| Prosecution | A prosecution will only proceed where the Chief Executive Officer, or their sub-delegate, believe the circumstances warrant prosecution action, and where there is a reasonable prospect of a successful outcome being held in the relevant Court. |
| Action regarding Default of Order/Notice | Failure to comply with Orders/Notices may incur further enforcement action such as Council taking action on default of the Order or Notice, or the issuing of an Expiation Notice, or the commencement of prosecution proceedings. |

2.2 Master Service Levels

The Community Safety Department is responsible for the delivery of services as well as education and compliance with a number of key pieces of legislation. The team has a strong focus on customer service.

The Community Safety Team is responsible for the enforcement of the following areas:

2.2.1 Animal Management

- a. During hours of 7.30am - 6.30pm Monday to Friday, aim to collect restrained wandering dogs within 30 minutes if contained (excluding animals held at a veterinary clinic).
- b. During hours of 6.30pm - 7.30am Monday to Saturday, no dog collections will be attended to. Weekend collection times may vary depending on operational requirements for other services.
- c. Dogs sighted wandering but not contained during hours of 7.30am - 6.30pm Monday to Friday, an officer will attend and search the area within 30 minutes and search for up to 30 minutes depending on the nature of the report.
Response times may vary depending on staffing and workloads or weather events.
- d. If a dog is impounded, an officer will make reasonable attempts to contact the known owner as recorded in Dogs and Cats Online (DACO) or identification and return the dog and will only take it to a holding facility if it cannot be personally returned (not left at a property at which no one is home) or if the owner/responsible person cannot meet the officer within 20 minutes.
- e. Monday to Friday, arrange for collection between the hours of 7:30am and 6:30pm on the same day as payment is made for impound fees and registration is up to date (given payment is made at a reasonable time).
- f. Dog incident and dog noise investigations commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint).
- g. Reserves, parks and open spaces including dog parks and off leash areas may be patrolled when resources are available but is not prioritised unless a pattern of incidents becomes apparent.
- h. When incomplete microchip records have been made available by DCMB, these will be actioned within one month of the Community Safety Department being made aware of the record to attempt to have the animal registered.
- i. Animal owners who have failed to microchip or desex their animals will be followed up each year or when Council become aware of the breach.
- j. The dog registration follow up program will be undertaken annually following the dog registration renewal period.
- k. A dog registration physical doorknock of properties without dogs will be conducted every 3 years.

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- I. Council will visit registered breeders (excluding shelters) in the City of Tea Tree Gully area at least once every five years.

2.2.2_Local Nuisance and Litter Complaints

The Local Nuisance and Litter Control Act requires council to act on complaints about:

- i. noise, odour, smoke, fumes, aerosols or dust
 - ii. animals, whether dead or alive
 - iii. vibration
 - iv. insanitary conditions
 - v. unsightly conditions
 - vi. general litter or hazardous litter
- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
 - b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).
 - c. Processes will be updated to accommodate changes to legislation before the change is enacted.

2.2.3_Abandoned Vehicles

- a. Attend and investigate commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Legislative timeframes will be adhered to procedurally in relation to abandoned vehicles.

2.2.4_Verge Encroachments

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety or City Development Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).
- c. Verge encroachments that meet Council's standard as per the guidelines will not be investigated and no permit is required for developments undertaken within guideline specification.
- d. Developments outside of the guidelines require an application to Council.

2.2.5_By-laws

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

2.2.6_Verge and footpath parking

- a. Council is responsible for enforcing offences under the Australian Road Rules as it sees fit. The policy intent behind Rule 197 of the Australian Road Rules is linked to the protection of public infrastructure and public safety considerations.
- b. Vehicles parked on or near footpaths and verges will be monitored by officers during the course of their duties and in response to complaints. Consideration will be given to the nature of the offence and if the allocated pathway is blocked (wholly or partially) and/or causes safety concerns. Council considers accessibility for all community members necessary.
- c. Officers will endeavour to locate the vehicle driver or owner if safe and/or reasonable to do so and will discuss the matter with them.
- d. Offences which cause or may cause damage to Council infrastructure (ie kerb mounting or over or on side entry pit lids) are not tolerated and will be expiated.
- e. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- f. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

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2.2.7_Bike lanes

- a. Bike lanes will be monitored by officers during the course of their duties and in response to complaints.
- b. Bike lanes that are nearby to schools will be monitored as part of the school patrol program.
- c. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- d. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

2.2.8 School Patrols

To support the safety of children, pedestrians and motorists around [the City of Tea Tree Gully](#) streets and schools, each school may be patrolled on a rotational basis between 6 and 18 times per year depending on complaints and community need and may be adjusted based on a noted pattern of behaviour or incidents.

2.2.9 Private Parking

- a. By supporting private parking agreements, Council supports its business community by ensuring that car parking spaces are maximised for those that shop in the relevant centres.
- b. On behalf of the Council, the CEO may enter into written agreements with the management/owners of a Private Parking Area within the Council area which will detail the responsibilities and commitments of each party.

2.2.10 Incoming Mail, Expiation and Order Disputes

- a. Sorted and allocated within two days of receipt.
- b. Each dispute acknowledged within two days of being received by the Community Safety Department and responded to within twenty-eight days of being received by the Community Safety Department.

2.2.11 Unclaimed Goods

- a. Where the owner of unclaimed good/s in Council's possession, is known, Council will, within one month of the good/s coming into Council's possession, request the owner of the good/s to collect those goods by sending a letter addressed to the owner at their last known address.
- b. Where the owner of unclaimed good/s in Council's possession, is not known, Council will, within one month of the good/s coming into Council's possession, publish a notice in a newspaper circulating generally throughout the State.
- c. Council will not proceed to sell or dispose of the good/s until after the expiration of at least 42 days from the date of the relevant request but will proceed to commence the process to sell or dispose of the good/s within three months of the date of the relevant request.

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2.2.12 Fire Prevention

- a. A mail out to identified properties prior to the fire danger season will be carried out annually as a reminder of legislative obligations (includes all vacant properties and all rural properties).

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- b. Inspection of all rural and at-risk properties within two months of the commencement of the fire danger season.
- c. Inspection of vacant properties within one month of the fire danger season, prioritised utilising the Bushfire Management Area Plan (BMAP).
- d. Subsequent inspections determined by seasonal weather, growth and fuel loads by accredited and authorised fire prevention officer.
- e. Participate in relevant events and collaborate with neighbouring authorities for best outcomes.
- f. Inspect all properties where 105F notice has been issued within 2 business days of the due date. Engage contractor to carry out work if an owner has failed to comply with the notice.
- g. Upon inspection and failure to comply with Section 105F notice, council will arrange for works to be undertaken and expiation issued and instigate cost recovery.
- h. All CFS reporting to be prepared and submitted within the required timeframe set by the CFS.
- i. Attendance and participation at Adelaide Mt Lofty Ranges (AMLR) Bushfire Management Committee (BMC) Meetings by either the member and/or deputy in accordance with BMC rules/terms of reference.

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2.2.13 Food & Health Complaints (including food, pest, insanitary conditions and other public health matters)

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

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2.2.14 Communication of food recalls or SA Health Investigations

- a. Priority is given to recalls and will defer/delay scheduled work.
- b. SA Health unsafe food investigations (eg food poisoning investigations) are a priority and will defer/delay scheduled work.

2.2.15 Programmed Food Business Inspections

High risk food businesses are to be inspected no longer than three months past their scheduled inspection date, which is determined by the results of their previous inspection and may range between three and eighteen months.

2.2.16 Programmed Food Safety Audits

All food businesses that are subject to food safety audits are to be audited no longer than one month past their scheduled audit date, which is determined by the results of their previous audit and may range between three and twelve months.

2.2.17 Public Pool Inspections

- a. All public pools (including swimming pools, spas, waterslides and splash pads) are to be inspected no longer than one month past their scheduled inspection date, which is determined by the results of their previous inspection and may range between six and twelve months.
- b. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- c. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

2.2.18 Warm Water and Cooling Water System Inspections

- a. All businesses that have these systems are to have a notice served by Council requiring an inspection to be conducted by an independent person, no longer than one month past their scheduled inspection date.
- b. The date for inspection is determined by the results of the previous inspection and may range between three and twelve months.
- c. SA Health Legionella investigations are prioritised and will defer/delay scheduled work.

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2.2.19 Skin Penetration Business Inspections

- a. All businesses within this category are to be inspected no longer than one month past their scheduled inspection date. Inspections are conducted every 2 years.
- b. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- c. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

Deleted: <#>All businesses that have these systems are to be inspected no longer than one month past their scheduled inspection date, which is determined by the results of their previous inspection and may range between three and twelve months.¶
<#>SA Health Legionella investigations are prioritised and will defer/delay scheduled work.¶

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2.2.20 Wastewater System Complaints and Inspections

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).
- c. New septic tank installation inspection requests will be actioned at the time requested in the booking given it is received from the licensed plumber installing the system (or their agent) and they have provided 24 hours' notice.

2.2.21 Licenced Supported Residential Facilities

All businesses within this category are to be licensed prior to the expiration of their existing license. The length of the license may range between one and two years which is determined by the results of their license application.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Authorised Officer

A person who is authorised to carry out statutory functions or powers as specified within a particular piece of legislation. The decision to appoint an Authorised Officer may only be made by Council or a delegate of Council

Fire Prevention Officer

A fire prevention officer is appointed by a Council under Part 4A Division 2: of the Fire and Emergency Services Act 2005. The fire prevention officer must have qualifications or experience appropriate to the position.

Public Street or Road

The road, for the purpose of this Policy, includes the road carriageway, the road shoulder, the kerb and water table, footpath or other similar paths and verge areas.

SAPOL

Refers to the South Australian Police.

Business

As per the Food Act (SA) 2001 a food business means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves the handling of food intended for sale; or the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable

or community nature or whether it involves the handling or sale of food on one occasion only.

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Compliance

The act of adhering to and demonstrating adherence to an Act, By-Law, Regulation or similar. Compliance may or may not involve the process of enforcement.

Council

The elected member body or employees acting under delegation or authorisation.

Enforcement

Enforcement refers to the use of legislative provisions to direct a person or body to make good a breach of the Act and / or otherwise penalise a person for a breach. Enforcement is a tool to ensure compliance and accountability for illegal conduct or other wrongdoing.

Footpath

An area open to the public that is designated for, or has as one of its main uses, use by pedestrians

Illegal Activities

An act or activity which has occurred contrary to legislative obligations contained within legislation.

Order

An order issued by Council or relevant authority in accordance with legislation directing that something be done or that there is prohibition against some activity.

Private Parking Area

As per the Private Parking Areas Act 1986 means an area — (a) provided on land by the owner for the parking of vehicles used by persons frequenting premises of the owner; and (b) marked by a notice denoting it as a Private Parking Area, (and an area is capable of constituting a Private Parking Area notwithstanding that certain parts of that area are no standing areas)

Prosecution

The process of instituting legal proceedings against a person or body in relation to an illegal activity, with the intent of penalising the person/body for illegal activity.

Deleted: Formal direction(s) issued by Council or Council delegate to a person or entity concerning a breach of a particular piece of legislation. ¶

Unclaimed goods

Things (chattels) that have come into the Council's possession but are legally owned by some other person (e.g. contents of a vehicle lawfully impounded by the Council), but does not include objects or things that the Council may lawfully dispose of pursuant to some statutory authority (e.g. a vehicle removed from a public road or place by the Council pursuant to Section 237 of the Local Government Act 1999).

4. LEGISLATIVE FRAMEWORK**4.1 Reference to Legislation**

- a. Local Government Act 1999
- b. Development Act 1993 and Development Regulations 2008 (transitioning to Planning Development and Infrastructure Act 2016 and associated regulations)
- c. Dog and Cat Management Act 1995 and Regulations
- d. South Australian Public Health Act 2011
- e. Environment Protection (Air Quality) Policy 2016
- f. Expiation of Offences Act 1996 and Regulations
- g. Food Act 2001 and Regulations
- h. Fire and Emergency Services Act 2005 and Regulations
- i. Private Parking Areas Act 1986 and Regulations
- j. Road Traffic Act 1961 and Regulations
- k. Local Litter and Nuisance Control Act 2016 and Regulations
- l. Unclaimed Goods Act 1987 and Regulations
- m. Council by-laws

4.2 Other references

Council's document including:

- a. Dog and Cat Management Plan 2023-2027
- b. Cat Management Policy
- c. Control of Election Signs Policy
- d. Drone Policy
- e. Compliance & Enforcement Policy
- f. Order Making Policy
- g. Road Alteration or Encroachment Policy
- h. Tree Management Policy
- i. Use of a Road for a Business Purpose Policy
- j. Council's By-laws

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report: articulates

| Objective | Comments |
|--|--|
| Environment | |
| <i>A community that is protected from public and environmental health risks</i> | The Community Safety Policy articulates Council's obligations in relation to public and environmental risks relating to animal management, environmental health and fire prevention. |
| Economy | |
| <i>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the <u>liveability</u> of our city</i> | The Community Safety Policy comments on the ability for Council to enter agreements with Private Parking Area owners to support the local economy and provide local jobs. |
| Places | |
| <i>Streets, paths, open spaces and parks are appealing, safe and accessible</i> | The Community Safety Policy discusses how Council's obligations relate to accessibility to these areas. |

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5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio General Manager and managed in accordance with Council's scheme of delegations.

| | |
|---------------------------------|------------------------------------|
| Record number | D23/74676 |
| Responsible Manager | Manager Community Safety |
| Other key internal stakeholders | General Manager Community Services |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 11/7/23 |
| Legal requirement | Nil |
| Due date next review | <u>2027</u> |
| Delegations | Yes |

ELECTED MEMBER SUPPORT AND TRAINING POLICY

Responsible Manager: Manager Corporate Governance

This Policy has been provided to the Committee on the basis that improvements to the Policy have been identified, which are to be discussed with the Committee.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Elected Member Support and Training Policy ” **as reviewed by the** Governance and Policy Committee on 22 November 2023 be adopted.

OR

That the “Elected Member Support and Training Policy ” **as reviewed by the** Governance and Policy Committee on 22 November 2023 be returned to the “Governance and Policy Committee” for consideration.

| Summary of changes | | |
|--|--|---|
| Page No. | Heading | Comments |
| 2 | Council Nominated Delegate and associated expenses | The word 'attendance' has been included for clarification. |
| 5 | Printing and stationery provided by Council | This sentence has been included for clarification and to align with current practices and include the process for obtaining these. |
| 5 | Elected Member Rooms | This section has been amended to refine the type of refreshments provided. |
| 5 | Catering for Meetings and Functions | This section has been amended to refine the type of refreshments and catering provided. |
| 7 | Legal advice | Changed terminology to remove reference to the Code of Conduct and replace with reference to the behavioural standards and integrity provisions |
| 8-9 | Training and Development | This section has been moved and simplified under 'Application for Training and Development' as some of the information was duplicated. Reference to the training & development register being made available on Council's public website , in accordance with legislative requirements has been incorporated. |
| 10 | CEO's Monthly Information Report | Updated to correct reference. |
| Changes during or after GPC Meeting for Council Meeting [date] | | |
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| Supporting Information |
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Attachments

1. [Elected Member Support and Training Policy](#) 43

Elected Member Support and Training Policy



1. PURPOSE

The purpose of this policy is to establish Council's position on allowances, benefits, reimbursements, facilities, support and training provided to **Elected Members** (referred to as Support throughout this policy), to assist members to perform or discharge their official functions and duties.

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2. POLICY

Elected Member Support and Training must be:

- Provided in accordance with relevant legislation and Council policies
- Necessary or expedient for members to performance or discharge their official functions and duties
- Available to members on a uniform basis (other than the Mayor)

Elected members may choose to opt out of being provided this Support. Any reimbursements or support sought outside of Council policy will need to be referred to Council for a decision.

2.1 Allowances / Sitting fees

2.1.1 Allowances

Elected Members (including Mayor, Deputy Mayor, Councillors and Presiding Members of Committees) are entitled to receive an annual allowance (refer section 76 of the *Local Government Act 1999* and regulation 4 of the *Local Government (Members Allowances and Benefits) Regulations 2010*) as determined by the independent Remuneration Tribunal of South Australia. All allowances paid under this section will be paid monthly in arrears. A statement of earnings will be provided to **Elected Members** at the conclusion of each financial year.

2.1.2 Sitting fees

Council's Assessment Panel (CAP) has set sitting fees for the **Elected Member** Council nominates to CAP as outlined in the Terms of Reference.

2.2 Council Nominated Delegate and associated expenses

The Mayor of the City of Tea Tree Gully shall be Council's nominated voting or attendance delegate for any meetings or events where the Mayor is expected to attend or has been invited as Council's delegate (excluding events covered under Council's Major Events

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Policy). This includes Local Government Finance Authority (LGFA) and Australian Local Government Association (ALGA). The Deputy Mayor will be Council's nominated voting [and attendance](#) delegate for meetings of the Local Government Association of SA (LGA SA) i.e. Annual and Ordinary General Meetings.

In the case of the Mayor/Deputy Mayor being unable to attend that meeting or event, the delegate should be nominated in the following order:

1. Deputy Mayor
2. One of the Ward Councillor(s) to which the matter relates (if relevant).
3. Discretion of the Mayor/Deputy Mayor. Where possible such opportunities should be shared between **Elected Members**.

Council can also nominate delegates to represent Council at external bodies. A list is maintained on Council's website.

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2.3 Reimbursement of expenses (Section 77 of the Act)

Elected Members may be reimbursed some expenses incurred in performing or discharging their functions and duties. This may include:

- a. Child or dependent caring expenses (as defined in the regulations)
- b. Travelling expenses (as defined in the regulations)
- c. Telecommunication use and device costs (as defined in this policy – refer section 2.3.1)
- d. Training and development paid for directly by the member (as defined in this policy) – including but not limited to registration fees, travelling costs (eg. taxis, airfares, car parking), accommodation and meals (up to maximum of \$100 per day covering three meals).
- e. Costs incurred by the member for attendance as Council's nominated delegate, where Council has not paid these costs directly (eg. registration, travelling, car parking and/or accommodation). Council will reimburse based on the most cost effective and efficient option at the discretion of the **CEO**.
- f. Printing and stationery (where not provided and paid directly for by Council).

All requests for reimbursements must be provided to governance@cttg.sa.gov.au with the following:

- a. The relevant reimbursement application form (available on the Hub)
- b. A tax invoice being received for the incurred expense (within 6 months of the expense being incurred)

In the financial year leading up to a periodic election, between July and November financial limits nominated in this policy will be proportionate for the period (5 out of 12 months) for training and development and printing and stationery supplies.

For any member who is not re-elected in an election, any reimbursement claims for expenses incurred during the period they were elected can be made until one month after the final declaration of the Election.

2.3.1 Telecommunication and device reimbursement

Elected Members require reliable electronic access to the internet and email services in order to effectively assist in the performance or discharge of their official functions and duties. In order to assist members in accessing this benefit, Council will reimburse **Elected Members** as follows:

1. Expenses incurred for Telecommunications usage up to a maximum of \$1,000 per **Elected Member** per financial year for use relating to Council business
2. Mobile devices up to a maximum amount of \$3,000 per **Elected Member** per Council term including:
 - a. Device to access Council agendas, minutes, email or receiving Council documentation electronically as an alternative to hard copies
 - b. Device to receive/make phone calls
 - c. Accessories (e.g. cover, screen protector, mouse, antivirus software, keyboard, wireless printer)

An **Elected Member** will not be able to claim reimbursement for point 2, as above, in the six months prior to a periodic election.

*[Note: IT Policies and Guidelines can be access via the **CEO** to assist **Elected Members** with suitable mobile devices.]*

2.3.2 Printing and stationery supplies

Various forms of printing and stationery supplies will be provided to each **Elected Member**. The provision of printing and stationery can be provided under both section 77 and 78 of the **Act**, depending if it is provided directly by Council or reimbursed to **Elected Members**.

Printing and stationery (and/or services) costs will be limited to \$1,500 for the Mayor and \$750 per Councillor per financial year (except for proportionate limits established in the year of a periodic election) which may include but not be limited to the following examples:

- a. Blank copy/printing paper
- b. Printer ink cartridges
- c. Diaries, note paper, pens and paper, document holders etc
- d. Envelopes, stamps or postage
- e. Design and/or printing cost for customised stationery

2.4 Provision of facilities and support (Section 78 of the Act)

The following facilities and support are to be provided to the **Elected Members** to assist in the performing or discharging their official functions and duties:

2.4.1 Electronic support resources provided by Council

Each **Elected Member** will be provided a City of Tea Tree Gully email account, which must be used for all Council related business. The email address, preferred postal address and contact number/s for each **Elected Member** will be provided on Council's website.

Elected Members will be provided with a corporate standard template for their signature for emails which will only include:

- **Elected Member's** Name
- Ward Name
- Contact Details

A secure **Elected Members'** portal (the Hub) is provided for the purpose of a reference point and platform to provide **Elected Members** with access to relevant information not readily available to the public.

Any use of Council resources is made with the understanding that such use is not secure, is not private, is not anonymous and is subject to monitoring. Systems are monitored internally and by external service providers to ensure compliance with standards and legislation and otherwise to ensure system integrity and security. Some monitoring activities may require disclosure to the Mayor, the **CEO**, relevant authorities and other external entities.

Corporate records are managed in accordance with Council's [Records Management Policy](#).

Council recognises that from time to time it will be efficient use of **Elected Members'** time for them to undertake minor and personal tasks using the electronic support resources provided by Council. Council does not oppose this use provided that it is in accordance with any relevant legislation including sections 62(4) and 78(3) of the **Act** and it is not for election or private business use purposes. This use should be limited in time and regularity. It will be deemed improper use if it exposes Council to additional costs.

In the event additional costs are incurred by Council as a result of an **Elected Member** using Council facilities for personal use, it is the responsibility of the **Elected Member** to reimburse Council for those additional costs or otherwise personally provide for the consumables.

2.4.2 Printing and stationery provided by Council

Elected members at their request will be provided with:

- a. Corporate business cards / business calling cards (to be ordered in batches of a minimum of 250 per time)
- b. Name badge

All requests must be provided to governance@cttg.sa.gov.au. The abovementioned items will be included as part of the printing and stationery allowance amounts listed in section [2.3.2 Printing and Stationery Supplies](#).

City of Tea Tree Gully corporate branded letterhead (including use of Council logo) will not be provided or used either electronically or in hard copy by **Elected Members**, with the exception of the Office of the Mayor.

2.3.4 Elected Member rooms

Elected Members are to have access to the following rooms and spaces for their use:

- a. **Elected Members'** Office and Meeting Room – across the two rooms supplied with multifunction device, television, pigeon holes, refrigerator, table, chairs, tea and coffee facilities, biscuits and non-alcoholic refreshments.
- b. **Elected Members'** Balcony - supplied with table and chairs.

Elected Members will be provided with a key and access to these rooms on a 24 hours per day / seven days a week basis subject to Council's general building security conditions.

2.4.4 Catering and Elected Member functions

Elected Members in attendance at a Council or Committee meeting or an **Elected Member** Workshop will be provided with a meal prior to the meeting.

A Christmas function will be held for **Elected Members** each calendar year to recognise their contribution to Council. In an Election Year, a function will also be held, before the conclusion of the Council Term, to recognise and appreciate the contribution of **Elected Members** for the Council Term. These events will be arranged by the **CEO** in consultation with the Mayor and Deputy Mayor.

Deleted: a limited range of water

Deleted: soft drinks, beer and spirits

Deleted: A light supper will be provided after each Council Meeting. ¶

Deleted: A refrigerator will be available in the Banksia Room which contains refreshments such as soft drinks, water, beer and a limited range of wine and spirits (which will be made available after meetings). ¶

2.4.5 Council and Elected Member Photographs

Group and individual photographs of the **Elected Members** and the **CEO** will be taken as soon as possible after the general election of each new Council. In the event of Council membership changing, a photo of the new **Elected Member** will be inserted in the group photo.

Group photographs will be displayed (in chronological order) for the term of office, in the Council Chambers. Individual photographs of each **Elected Member** will be displayed in the Civic Centre foyer.

The Mayoral photographs will be displayed (in chronological order) for their term of office, in the Council Chambers. Where a Mayor is elected for a second or subsequent term, the addition of appropriate wording to recognise the new term(s) shall be included onto the photograph frame. The Mayor is to select from the proof sheet his or her preferred photograph to be used for the official record.

Staff will select the preferred Ward and **Elected Member** images from the proof sheet and provide the preferred image(s) to the Elected Members for their approval. If the images provided are unsatisfactory, the **Elected Member** will be provided with an additional option. Once all Elected Member images have been approved, they will be used in accordance with this Policy. If approval is not provided for any of the supplied images, **Elected Members** can nominate to either use their image from the previous term of Council (if such an image exists) or elect to have their image retaken in their own time within 6 weeks of being elected.

A copy of the photographs of the **Elected Member** will be supplied in an electronic format to each **Elected Member** at no charge, but must not be used for private purposes or election campaign purposes.

2.4.6 Personal Protective Equipment (PPE)

Elected Members will be provided with a PPE high visibility vest to be worn at site visits with Council staff and where necessary. The vest will not include the Council branding or logo.

2.4.7 Corporate brand clothing

Upon request, Elected Members will be provided with a City of Tea Tree Gully corporate tie, scarf and lapel pin. This is only to be worn when undertaking their official functions and duties as an Elected Member. Any other corporate wear with Council branding or logo will not be provided.

2.4.8 Personal counselling and support program

Where **Elected Members** require support in managing Council related or personal matters that impact on being able to perform their roles, functions and duties, the **Elected Member** will be provided access to the Council's Employee Assistance Service, at the same standard made available to Council employees.

Access to this support program is confidential to the attendee only, and therefore costs associated with this service will not be included in the **Elected Member** Allowances and Benefits Register.

2.4.9 Legal advice

Elected Members may be provided with access to legal advice from Council's panel of lawyers to represent them on certain matters, and must be requested through the **CEO** who will consider the request. On rare occasions, situations could arise where the involvement of the **CEO** may be inappropriate. In these instances, only the Mayor or Council's Nominated Delegate may access Council's panel of lawyers for legal advice. Council will only pay for legal costs for individual **Elected Members** where advice is sought:

- a. At the **Elected Members** request, in relation to a behavioural standards or integrity matter or investigation by a relevant authority is sought up to an amount of \$2,500 per matter
- b. In relation to public officer reporting obligations
- c. In relation to conflicts of interest that may affect them
- d. In relation to civil liability issue which invoke consideration of the legal protection/immunity for members pursuant to section 39 of the **Act**
- e. In relation to Council's role, functions and objectives and/or the **Elected Member's** role. Each case requires a Council resolution supporting the payment, which will be determined by Council with regard to legal and merit considerations.

Council will not provide access to legal advice or pay for the legal costs of individual **Elected Members** in relation to the initiation of defamation proceedings by an **Elected Member**.

This Policy aside, any **Elected Member** may seek initial or additional approval (or reimbursement) from Council for any legal advice sought or obtained but it will be at the discretion of Council whether approval is granted, or reimbursement is to occur.

Conflict of interest advice for **Elected Members** will be excluded from the **Elected Member** Allowances and Benefits Register on the basis that the advice assists **Elected Member** in fulfilling their legislative responsibilities rather than being a benefit.

Deleted: Code of Conduct

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2.4.10 Office of the Mayor

2.4.10.1 Office and administrative support

The Mayor is to be provided access to a Mayoral Office, supplied with multifunction device, table and chairs. The Mayor is to have access to secretarial support to a maximum of 0.4 FTE and corporate branded Office of the Mayor letterhead at the discretion of the **CEO** to assist the Mayor in managing Mayoral correspondence, diary appointments and other key responsibilities.

The Mayor will also be provided a designated car park at Council's Civic Centre.

2.4.10.2 Minor general expense budget

The Office of the Mayor is to be provided with an expense line of \$500 each year to assist towards the cost of representing Council at various functions, and any appropriate donations and flowers to recognise significant events or activities within the community.

2.4.10.2 Ceremonial Chains and Robes

The City of Tea Tree Gully Ceremonial Chains and/or Robes may be worn by the Mayor (or Council's Nominated Delegate) at all events where they are representing the City in an official capacity. When not in use for events, the Chains and Robes will remain at the Council Offices under lock.

2.5 Training and Development

Councils are legislatively required to prepare and adopt a training and development policy. **Elected Members** must undertake regular training in accordance with this policy, and at a minimum undertake the prescribed mandatory requirements in the LGA training standards within 12 months of being elected, which includes four key competency areas:

- Behaviour
- Civic
- Legal
- Strategy and Finance

A record of **Elected Member** training and development will be maintained and made available on Council's public website.

2.5.1 Induction - Mandatory Training

In a periodic election year, the focus on **Elected Member** training and development will be on the mandatory induction and training requirements for members. As part of the induction training, Council may include a Residential Seminar for **Elected Members** in order to enable team building and focus on strategic matters offsite.

2.5.2 Application for training and development

Moved down [1]: **Elected Members** will be informed of training and development opportunities available. Each **Elected Member** has budget allocation for training and development for each financial year. In the financial year leading up to a periodic election, training and development allocation limits will be proportionate for the period July – November (5 out of 12 months). Attendance as Council's Nominated Delegate (as defined in this Policy) is not included within this limit.¶

Deleted: Council may elect to pay the provider directly rather than reimburse the relevant **Elected Member**. ¶

An **Elected Member** can request to attend Training and Development not directly conducted/~~supplied~~ by Council by completing a Training and Development Application Form available on the Hub.

Each **Elected Member** has budget allocation for training and development for each financial year. The total allowance limitation to be incurred by each individual Elected Member for Training and Development must not exceed \$5,000 for the position of the Mayor and \$3,000 for each councillor in the relevant financial year unless otherwise approved by Council. In the financial year leading up to a periodic election, training and development allocation limits will be proportionate for the period July – November (5 out of 12 months). Attendance as Council's Nominated Delegate (as defined in Council's Elected Member Support Policy) is not included within this limit.

The **CEO** may approve a training and development application for an **Elected Member** provided all of the following conditions are met (noting all other applications will be referred to Council for consideration):

- Estimated cost per **Elected Member** is not greater than \$3,000 per application
- Elected Member** has/will not exceed the financial year allowance (as mentioned above)
- Sufficient funds are available within the budget line for **Elected Member** Training and Development to fund the application
- The provision of the Training Session is relevant to the performance or discharge of official duties or functions

Council may elect to pay the provider directly rather than reimburse the relevant **Elected Member**.

Moved (insertion) [1]

Deleted: Elected Members will be informed of training and development opportunities available. Each **Elected Member** has budget allocation for training and development for each financial year. In the financial year leading up to a periodic election, training and development allocation limits will be proportionate for the period July – November (5 out of 12 months). Attendance as Council's Nominated Delegate (as defined in this Policy) is not included within this limit.¶

Commented [TD1]: This section has been moved from under Training and Development

2.6 Reporting

2.6.1 CEO's Monthly Information Report

Council acknowledges the importance of effective communication between its employees and **Elected Member**. In order for **Elected Members** to be kept informed of certain Council activities, the **CEO** will provide a monthly information report detailing the following information for the relevant period as follows:

- CEO's** Activities (major activities outside of Council)
- Employee movements - incoming and outgoing
- Court Actions Involving Council (not including Expiation Notices, Environment, Resources and Development Court matters or standard debt recovery notices)
- Overview of planning applications lodged with Council each month (number and value of) and trends in planning applications as a 12 month overview
- Insurance Claims lodged with Council's insurers for civil liability and Council property claims with any personal details removed

- f. Variations to contracts not reported to Council previously that are either greater than \$100,000 per contract or, + or – 10% for any contract over \$500,000 in total value
- g. Grant funding applications made on behalf of Council
- h. Map of Modbury Precinct Revitalisation
- i. Confidential items that have been released for the month in question
- j. The **CEO** may add any additional item to this report that they wish to report to Council in this format.

The above information should be treated as confidential in nature and must not be made available to the public, unless the **CEO** indicates otherwise. Any breach of confidentiality will be dealt with under the [Elected Member Behavioural Management Policy](#).

Deleted: Code of Conduct for Council Members

2.6.2 Allowances & Benefits Register

A register of **Elected Member** Allowances and Benefits will be maintained in accordance with section 79 of the **Act**, and will record all identifiable forms of benefits and support provided to **Elected Members**, including training and development and Council's delegate costs. This will be maintained and published on Council's website, unless otherwise specified in this Policy.

The resources and support provided in the distribution of Council and Committee agendas and reports are not included in this Register along with any staff support.

2.6.3 Training and development reporting

Progress against expenditure of the budget allocation will be reported on an annual basis to Council. This will include any reporting on training and development approved to be undertaken within **CEO** delegation. Council's annual report will include the requirements as set out in the Local Government Act and associated regulations.

2.7 Other

2.7.1 Relevant history screening

All **Elected Members**, within 60 days of the commencement of their term on Council, will be required to obtain a History Screening check (i.e National Police Clearance Check or a Department for Communities and Social Inclusion (DSCI) Screening Check). This assists in the situations where it is deemed relevant for an **Elected member** to be in contact with individuals in a child, youth or vulnerable person related area.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Act

Local Government Act 1999.

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Elected Member(s)

Includes the Councillors and the Mayor of the City of Tea Tree Gully.

Regulations

Local Government (General) Regulations 2013

Telecommunications

Is any communication cost related to a mobile or home device (i.e phone calls, mobile data, home broadband)

Training Sessions

Includes conferences, seminars, training courses and workshops

4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to support, unless Council determines Elected Members are entitled to receive reimbursement of expenses in accordance with, but outside those specifically prescribed by legislation.

The following legislation applies to this Policy:

Local Government Act 1999

Section 61 - Access to Council document in connection with the performance or discharge of his/her functions or duties.

Section 62 - An Elected Member must not make improper use of such information to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to Council.

Sections 76-80 - Allowances and Benefits

This part of the Act covers allowances, reimbursement of expenses under legislation and Council policy, provision of facilities and support, register of allowances and benefits, and insurance of members.

Section 77(2) - Any Policy addressing reimbursement of expenses lapses at a general election of the council.

Section 79 - A Register must be maintained to record allowances, expenses or other benefits, as well as be available to the public during ordinary office hours.

Section 80A of the Act states:

- a. Council must prepare and adopt a training and development policy for its Elected Members that assists in their performance and discharge of their functions and duties
- b. Council may from time to time alter its policy, or substitute a new policy.

Section 137 - Council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts.

Schedule 4, Section 2 (ca) – inclusion in the annual report of training and development activities for members of the council during the relevant financial year.

Local Government (General) Regulations 2013

Regulation 8AA of the Regulations states:

- a. Council must ensure that its training and development policy provides that members must undertake regular training in accordance with the policy and complies with the LGA training standards
- b. LGA training standards means the document entitled LGA training standards for council members approved by the Minister for the purposes of the regulation and published on a website maintained by the LGA.

Regulation 35 – inclusion in the annual report a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by members of the council during the relevant financial year funded in whole or in part by the council.

Local Government (Members Allowances and Benefits) Regulations 2010

The regulations provide information about allowances, benefits, facilities and support to its Elected Members that Council may provide.

4.2 Other references

Council's documents including:

- a. [Caretaker Policy](#)
- b. [Children and Vulnerable Persons Safe Environment Policy](#)
- c. [Committee Terms of Reference and Membership](#)
- d. [Elected Member Gift Register](#)
- e. [Elected Member Allowances and Benefits Register](#)
- f. [Elected Member Behavioural Management Policy](#)
- g. [Fees and Charges Register](#)
- h. [Records Management Policy](#)

External document including:

- a. [Remuneration Tribunal Determination](#) – Members of Local Government Council (Determination 7 of 2014)

Deleted: [Code of Conduct for Council Members](#)[¶]

This Code is located in the South Australian Government Gazette, 29 August 2013, ¶ p. 3598). ¶

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

| Objective | Comments |
|---|---|
| Leadership | |
| <i>Leadership and advocacy is focused on the long term interests of the community</i> | This Policy supports the promotion of Elected Members in their role and allows them to be identified as the elected representatives of Council. |
| <i>Decision making is informed, based on evidence and is consistent</i> | Providing facilities and support to Elected Members to assist them in performing their functions and duties. |
| | Providing Training and Development for Elected Members to ensure that they can make informed decisions based on what is best for the Community and Council. |

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on four key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer and managed in accordance with Council's scheme of delegations.

| | |
|---------------------------------|---|
| Record number | D23/74684 |
| Responsible Manager | Manager Corporate Governance |
| Other key internal stakeholders | Chief Executive Officer |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 29/11/22, 10/3/20, 9/5/18, (Previously Elected Member Allowances and Benefits Policy - Merged with Regular Reporting to Elected Members Policy and Council Delegate Policy) 22/9/15 (amended 9 August 2016), 25/11/14, 12/08/14, 09/04/13 (Elected Members' Allowances, Benefits, Facilities and Support Policy), 10/04/12, 14/6/11, 23/11/10, 13/7/10, 14/10/08, 13/3/07, 21/11/06, 28/2/06 |
| Legal requirement | Reimbursement of expenses - section 77(1)(a) lapses at a general election of the Council. It is a requirement under Section 80A of the Local Government Act 1999 to have a Training and Development Policy. |
| Due date next review | 2026 |
| Delegations | |

PUBLIC INTEREST DISCLOSURE POLICY

Responsible Manager: Manager Corporate Governance

This Policy discharges the requirements of the *Public Interest Disclosure act 2018* (PID Act). This Policy is not scheduled for review until 2025, however improvements have been identified that are recommended to be incorporated prior to the next scheduled review cycle.

A comprehensive review of the policy has been undertaken which resulted in a significant number of changes, that essentially constituted a re-write of the policy. Due to the volume of changes, a clean copy of the revised policy is provided in Attachment 1, with the tracked changes version of the revised policy provided as Attachment 2. A copy of the current policy (with no changes) is also provided as Attachment 3 for reference.

The document has been re-written to enable ease of reference for a member of the public (or public officer) that may make a public interest disclosure. Key improvements are summarised as follows:

- a. Consolidated Public Interest Disclosure Policy and Procedure into one document - which reduces the potential for overlap, duplication or inconsistency between the content of the two documents. The legislation also only contemplates the existence of a single document.
- b. Integration with existing investigation procedures – Council already has a number of established investigative procedures (or policies) that cover matters such as behavioural complaints, misconduct, regulatory matters and planning and development matters. With the current policy and procedure, they do not properly contemplate the existence of the established procedures, and creates an entirely separate investigative procedure that relies largely upon independent assessors (which comes at a cost). The Policy has been

revised so that disclosures are referred into the appropriately established investigative frameworks already in place. However in these instances, a responsible officer will still have oversight over the investigative process to ensure the PID Act requirements are met.

- c. Preliminary assessments – the current policy and procedure should include the first step in assessing a disclosure, that being whether the disclosure actually meets the legal **tests necessary to be treated as an ‘appropriate disclosure of public interest information’** under the PID Act. The current process assumes a disclosure meets this test and provides **no guidance on what to do with disclosures that don’t meet the requirements. This new step in the process, which includes what action is to be taken if a disclosure is deemed ‘appropriate’ and when they require investigation, has been incorporated as part of the review to provide additional clarity.**
- d. Protection of persons against whom allegations are made - Section 12(5)(a)(ii)(B) of the PID Act requires that procedures must include risk management steps for assessing and minimising detriment to people against whom allegations are made in public interest disclosures. This has been more clearly addressed within the policy.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Public Interest Disclosure Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted.

| Summary of changes | | |
|--------------------|------------|---|
| Page No. | Heading | Comments |
| 1 | 1. Purpose | Purpose has been re-written in entirety to make it clear in plain English what the intent of the policy is, including what type of information is covered by the PID Act in order to be considered a disclosure. |
| 1 | 2. Policy | <p>It is a legislative requirement for the CEO as the principal officer of Council for the purposes of the PID Act, include a statement of commitment. This previously existed in the procedure, however has now been incorporated into the Policy with the change to a single document.</p> <p>The commitment statement has been improved to better align with the legislative requirements and relevant guidelines.</p> |

| | | |
|------|--|--|
| 2 | 2.1 Public Interest Disclosure Process | Introduces a high level summary of the legislative steps required to be compliant with a public interest disclosure process. |
| 2-3 | 2.1.2 Making a disclosure | Details how a disclosure can be made and how it will be handled by Council. New responsible officers have been introduced into the Policy. |
| 3-4 | 2.1.3 Responsible officer preliminary assessment | This section has been introduced to provide initial assessment that the disclosure meets the legislative requirements under the PID Act. |
| 4-5 | 2.1.4 Taking action on / investigating a disclosure | This section has been introduced to refer matters through established investigative procedures, rather than have the Policy create its own standalone investigative process (which would have previously resulted in potentially inconsistent handling of matters based on how the matter was reported to Council) |
| 5 | 2.1.5 Notifying the OPI – receipt of disclosure | This moves the content requiring notification of receipt of a disclosure from the procedure into the revised policy. |
| 6 | 2.1.5 Notifying the informant – preliminary assessment | This moves the step of advising the informant of what is happening with their disclosure as required by the PID Act and guidelines, from the procedure into the revised policy. |
| 6 | 2.1.5 Notifying the informant – outcome of disclosure | This moves the step of advising the informant of the outcome of their disclosure as required by the PID Act and guidelines, from the procedure into the revised policy. |
| 6 | 2.1.5 Notifying the informant – outcome of disclosure | This moves the step of advising the OPI of what is outcome of the disclosure was as required by the PID Act and guidelines, from the procedure into the revised policy. |
| 7-8 | 2.2 Confidentiality and informant protection | Confidentiality and protection requirements as required by the legislation have been incorporated into a single section and details the risk management steps Council has taken to protect both the informant and the person against whom allegations have been made. |
| 9-10 | 2.3 Roles and responsibilities | Details the role and responsibilities of all type of groups within Council, rather than just responsible officers. This was previously located throughout the policy and has been consolidated into a single section for ease of reference. |
| N/A | 2.4 Information to elected members | This section has been removed on the basis that in section 2.3 Roles and Responsibilities, provides the CEO with the discretion to inform members (or a |

| | | |
|--|----------------------------------|--|
| | | relevant Committee) of disclosures where appropriate. The existing section was removed on the basis that a significant amount of information relating to disclosures is required to be protected and kept confidential by a responsible officer. Therefore the nature of information and level of details to be made available outside responsible officers, the CEO, the informant and the OPI should be limited. |
| N/A | 2.5 Protection for the informant | The relevant information from this section is now included in section 2.2 of the revised policy. |
| 10-11 | 3. Definitions | Definitions have been amended to reflect the revised content of the Policy. Duplication with definitions provided for in the legislation itself has been removed. |
| Changes during or after GPC Meeting for Council Meeting [date] | | |
| | | |
| | | |
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| Supporting Information |
|------------------------|
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| |

Attachments

| | |
|---|----|
| 1. Public Interest Disclosure Policy - REVIEWED version - clean copy | 61 |
| 2. Public Interest Disclosure Policy - REVIEWED version - tracked change copy | 73 |
| 3. CURRENT Public Interest Disclosure Policy | 86 |



CITY OF
TEA TREE GULLY
Naturally Better

Public Interest Disclosure Policy

1. PURPOSE

The purpose of this policy is to provide information for a person who wants to make an *appropriate disclosure* of public interest information to a *relevant authority* at the Council, and provide guidance for employees receiving and managing such *disclosures* of public interest information. There are two types of public interest information:

- a. Environmental and health information – information that raises a potential issue of a substantial risk to the environment, public health or safety of the public generally, or a significant section of the public
- b. Public administration information – information that raises a potential issue of corruption, misconduct and maladministration in public administration,

This policy applies to all staff and elected members at the City of Tea Tree Gully.

2. POLICY

The *CEO*, as the principal officer of Council for the purposes of the *Public Interest Disclosure Act 2018*, expects that the City of Tea Tree Gully upholds the principles of transparency and accountability in **Council's** practices and is committed to:

- a. encouraging and having processes in place for the making of *disclosures* of public interest information
- b. protection of informants that reveal public interest information
- c. establishing risk management steps for assessing and minimising detriment to both people making *disclosures* and those against whom allegations are made
- d. designating persons that have the responsibility for dealing with *disclosures* in compliance with the PID Act (referred to as *responsible officers*)
- e. genuine and efficient consideration and action on *disclosures*
- f. facilitating the investigation of *appropriate disclosures* in a manner that promotes fair and objective treatment of those involved
- g. referring *appropriate disclosures* to another *relevant authority* (where City of Tea Tree Gully is not the appropriate authority)
- h. appropriate notification of *disclosures* and outcomes
- i. secure receipt and storage of *disclosures* by *responsible officers*

2.1 Public Interest Disclosure Process

The public interest *disclosure* process consists of a number of steps:

- a. determining whether the information disclosed **constitutes 'public interest information'** (i.e. public administration information or environmental and health information) and whether that disclosure constitutes an *appropriate disclosure* (refer 2.1.1)
- b. making a *disclosure* (refer 2.1.2)
- c. *responsible officer* preliminary assessment of *disclosure* (refer 2.1.3)
- d. taking action on / investigating a *disclosure* (refer 2.1.4)
- e. notifying the OPI of the receipt of the *disclosure* (refer 2.1.5)
- f. notifying the *informant* of the preliminary assessment (refer 2.1.6)
- g. notifying to the *informant* of the outcome / action taken (refer 2.1.7)
- h. notifying to the OPI of the outcome / action taken (refer 2.1.8)

2.1.1 Disclosure types

The following are considered *appropriate disclosures* pursuant to the PID Act:

- a. Environmental and health information – anyone (not just *public officers*) can make a *disclosure* of this type. Disclosure of environmental and health information is appropriate as long as it is made to a *relevant authority* and:
 - i. the person believes on reasonable grounds that the information is true; or
 - ii. not being in a position to form such a belief, the person believes on reasonable grounds that the information may be true and is of sufficient significance to justify its *disclosure* and investigation.
- b. Public Administration information – a *disclosure* is an *appropriate disclosure* if:
 - i. it is made by a *public officer*, not a member of the public;
 - ii. the *public officer* reasonably suspects that the information raises a potential issue of *corruption*, *misconduct* or *maladministration* in public administration; and
 - iii. it is made to a *relevant authority*.

Appropriate disclosures are eligible for protection provided by the PID Act. Other types of information *disclosures* are not subject to protection under the PID Act.

2.1.2 Making a disclosure

A person making a *disclosure* should consider:

- a. whether the information they intend to reveal might be considered an *appropriate disclosure* of public interest information, as defined by the PID Act
- b. who is an appropriate authority for the purposes of disclosing the appropriate information

- c. whether they have obligations under the *PID Act* or *ICAC Act*.

Where a *disclosure* relates to a location or practices within the City of Tea Tree Gully, it is encouraged that this *disclosure* be made in writing to a designated *responsible officer* to ensure the informant receives the protections afforded under the PID Act.

To ensure this occurs, *disclosures* can be made in writing via:

- a. electronically via email (pid@cttg.sa.gov.au) titled 'confidential public interest disclosure' (noting only the designated responsible officers have access to the nominated email address); or
- b. in hard copy addressed to PO Box 571, Modbury, South Australia, 5092, marked as a 'confidential public interest disclosure'

Disclosures made using the above approach will be allocated to a *responsible officer* being one or more of the following:

- a. Ilona Cooper, Manager Corporate Governance; or
- b. Shannon Hockley, Manager People & Capability; or
- c. Leisha Bond, General Manager Corporate Services; or
- d. Felicity Birch, General Manager City Operations.

A person who knowingly makes a *disclosure* that is false or misleading is guilty of an offence and may be prosecuted.

In the event that an informant is of the belief that their *disclosure* is not being dealt with appropriately, the following person can be contacted:

- a. Ryan McMahon, Chief Executive Officer

2.1.3 Responsible officer preliminary assessment of disclosure

Once a *disclosure* has been made to a *responsible officer*, the *responsible officer* must:

- a. acknowledge receipt of the *disclosure* within three (3) business days (if contact details have been provided).
- b. preliminarily assess the information as soon as practicable after the *disclosure* is made to determine whether to take further action, including by considering:
 - i. whether the content of the *disclosure* suggests there is an imminent risk of serious physical injury or death to any person or the public generally
 - ii. whether the City of Tea Tree Gully is the *relevant authority* or whether the matter needs to be reported to an alternative *relevant authority*
 - iii. whether the information is an *appropriate disclosure* (refer 2.1.1)
- c. and either:

- i. take action in relation to the information (where applicable, this should be **done in accordance with the OPI's Directions and Guidelines for Public Officers or the Ombudsman's Directions and Guidelines**) (refer 2.1.4); or
- ii. take no action, if the information disclosed:
 - is frivolous, vexation or trivial;
 - does not justify the taking of further action; or
 - relates to a matter that has already been investigated or acted on by a relevant authority and there is no good reason to re-examine or take action on the matter.

If the *disclosure* has been assessed as not being an *appropriate disclosure* of public interest information, or if the disclosure is an *appropriate disclosure* but no further action is warranted, the *responsible officer* should advise the *informant* of the preliminary assessment determination (refer 2.1.6).

While the matter may not require further action in accordance with this Policy, the *disclosure* may still be a matter that requires further attention in accordance with other Council policies and procedures.

2.1.4 Taking action on / investigating a disclosure

2.1.4.1 Public Administration information

Taking appropriate action relating to an *appropriate disclosure* of public administration information, is likely to involve:

- a. the *responsible officer* referring it to the relevant investigation process (while protecting the identity of the informant) such as:
 - i. Elected member matters – refer **Council's Elected Member Behavioural Management Policy**.
 - ii. Employee matters (including regulatory matters) – refer to the **employee's corporate leader to consider the matter in accordance with either Council's Employee Conduct Policy and/or General Complaints Policy**, and any other relevant Council policies.
 - iii. Fraud or corruption matters (including misconduct or maladministration matters) – refer to Fraud and Corruption Policy.
- b. For matters outside Council jurisdiction – the *responsible officer* to ensure necessary information should be communicated to the *relevant authority* to enable action to be taken.

2.1.4.2 Environmental and health information

Taking appropriate action relating to an *appropriate disclosure* of environmental and health information, is likely to involve:

- a. the *responsible officer* referring it to the relevant investigation process (while protecting the identity of the informant) such as:
 - i. Environmental health matters covered by the *South Australian Public Health Act 2011* or *Supported Residential Facilities Act 1992* and associated regulations – refer to an Environmental Health Officer (eg. Food safety; high risk manufactured water systems; public swimming pools or spas; hairdressing, beauty or skin penetration businesses, Supported residential facilities).
 - ii. Health or safety (not environmental health related) – refer to either:
 - the corporate leader responsible for the function; or
 - an employee responsible for regulatory activity (if community safety related); or
 - the work, health and safety team via whs@cctg.sa.gov.au
- c. For matters outside Council jurisdiction – the *responsible officer* to ensure necessary information should be communicated to the *relevant authority* to enable action to be taken.

The corporate leader or employee responsible for internally investigating the matter will keep the *responsible officer* informed of the expected timeframes for completion of the investigation, and if relevant, ensure a report is provided to enable the *responsible officer* to undertake the appropriate reporting on receipt and outcome of the *disclosure* to the Office for Public Integrity.

2.1.5 Notifying the OPI - receipt of a disclosure

The *responsible officer* must notify the *OPI* as soon as reasonably practicable after reaching a preliminary determination in respect of an *appropriate disclosure*, and notifying the informant of the preliminary determination. The notification to the *OPI* is submitted via a dedicated notification form on the [OPI website](#). A unique reference number will be provided and must be retained by the *responsible officer*. The type of information required may include:

- a. the date the *disclosure* was received
- b. the name and contact details of the *responsible officer*
- c. summary of the content of the *disclosure*
- d. assessment made of the *disclosure*
- e. the action taken by the *responsible officer* including:
 - i. whether the *disclosure* was referred to another *relevant authority* or person
 - ii. if the *disclosure* was referred:
 - the date of the referral
 - the identity of the *relevant authority* or person
 - the manner of the referral

- the action to be taken by the *relevant authority* or person (if known)
- f. if no action was taken by the *responsible officer*, the reason why no action was taken
- g. whether the identity of the *informant* is known only to the *responsible officer* or if the identity of the *informant* has been communicated to a *relevant authority* or person (and if so, the reasons why such communication was made)

2.1.6 Notifying the informant – preliminary assessment

The *responsible officer* must take reasonable steps to notify the *informant* (if their identity is known) that a preliminary assessment of the information has been made and advise the *informant* (within 30 days of receipt of the *disclosure*):

- a. of the action being taken as a result of the preliminary assessment (including any referral to another person or *relevant authority*)
- b. if no action is taken, the reasons why no action is being taken.

2.1.7 Notifying the informant - outcome of disclosure

The *responsible officer* must take reasonable steps to notify the *informant* (if their identity is known) of the outcome of their determination (within 90 days of receipt of the *disclosure* or such longer period as may be specified by the *responsible officer* within that 90 day period):

- a. of the outcome / action being taken (including any referral to another person or authority)
- b. if no action is taken, the reasons why no action is being taken.

2.1.8 Notifying the OPI - outcome of disclosure

The *OPI* must also be notified (using the dedicated online form) of any outcome or action taken in relation to the *disclosure*. The notification is to be issued as soon as practicable after the *informant* is notified of the outcome or action taken (as set out in clause 2.1.7). It is recommended that the following information is provided:

- a. the reference number from the *OPI* receipt of the *disclosure*
- b. the name and contact details of the *responsible officer*
- c. the name and contact details of the authority responsible for taking action
- d. what (if any) findings were made in respect of the *disclosure*
- e. the nature of the action taken (if any)
- f. the outcome of any action taken
- g. whether the identity of the *informant* was disclosed to anyone other than the responsible officer that received the *disclosure*
- h. whether the *informant* was notified of the action taken, and if so, when the notification was made

2.2 Confidentiality and informant protection

2.2.1 Confidentiality obligations to protect informants

A person who makes an *appropriate disclosure* of public interest information will have their identity protected, which must not knowingly be disclosed without the consent of the informant, unless:

- a. it is necessary to ensure the matter(s) are properly investigated (but only to the extent necessary to ensure proper investigation); or
- b. the recipient believes on reasonable grounds it is necessary to divulge the identity of the informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity is divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person.

There are financial penalties and criminal offences for divulging an *informant's identity* outside of the above listed parameters.

An *informant* may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

2.2.2 Informant protection

An *informant* who makes an *appropriate disclosure* to a relevant authority is entitled to:

- a. protection from the disclosure of their identity, subject to the operation of section 8 of the PID Act
- b. immunity from criminal or civil liability in relation to their *disclosure*
- c. protection against victimisation
- d. a prohibition against hindering, obstructing or being prevented from making an *appropriate disclosure*.

Protection is not provided to people who knowingly make *disclosures* that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular).

Council has taken the following risk management steps for assessing and minimising detrimental action against a person making a *disclosure*:

- a. dedicated email address for making *disclosures* with access restricted to *responsible officers*
- b. electronic records secured by limiting security access to *responsible officers* (or those involved in addressing or investigating the *disclosure* directly)

- c. hard copy records secured in a locked cabinet which only *responsible officers* and the *CEO* have access to
- d. responsible officers undertaking training on confidentiality and informant protection
- e. appointing an *Independent Assessor* on a case-by-case basis depending on the nature of the *disclosure*
- f. observing procedural fairness in the treatment of any person making a *disclosure*
- g. considering the information and evidence collected and drawing conclusions objectively and impartially.
- h. any report prepared will not disclose particulars that will, or are likely to, lead to the identification of the *informant*, unless done so in accordance with section 2.2.1.

Any elected member or employee who knowingly makes a disclosure that is false or misleading in a material particular, commits an act of victimisation or acts otherwise than in accordance with this Policy may also face disciplinary action by the Council or the *CEO* (as appropriate).

2.2.3 Protection of persons against whom allegations are made

Council has taken the following risk management steps for assessing and minimising detriment to a person whom allegations are made in a *disclosure*:

- a. dedicated email address for making *disclosures* with access restricted to *responsible officers*
- b. electronic records secured by limiting security access to responsible officers (or those involved in addressing or investigating the *disclosure* directly)
- c. hard copy records secured in a locked cabinet which only *responsible officers* and the *CEO* have access to
- d. *responsible officers* undertaking training on confidentiality and *informant* protection
- e. considering the information and evidence collected and drawing conclusions objectively and impartially
- f. observing procedural fairness in the treatment of any person who is the subject of *disclosure*, and ensuring the person is provided with an opportunity to respond to the *disclosure* within a reasonable timeframe and
- g. appointing an *Independent Assessor* on a case-by-case basis depending on the nature of the *disclosure*.

2.3 Roles and Responsibilities

Roles and responsibilities are assigned to provide a governance structure to ensure accountability throughout the public interest *disclosure* and investigation. The following roles and responsibilities have been defined:

| | |
|--|---|
| Informant | <ul style="list-style-type: none"> entitled to withhold consent to their identity being disclosed but must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated |
| Elected Members ('the Council') – also 'public officers' | <ul style="list-style-type: none"> immediately refer any <i>disclosure</i> of public interest information on a confidential basis to a <i>responsible officer</i>, noting the requirements to keep the name of the <i>informant</i> confidential maintain confidentiality regarding any information provided by the CEO regarding a <i>disclosure</i> |
| Principal officer / Chief Executive Officer (CEO) | <ul style="list-style-type: none"> ensure one or more appropriately qualified employees of the Council are designated as <i>responsible officers</i> for the purposes of the PID Act as a matter of discretion, the <i>CEO</i> may inform the elected members or a relevant Committee, on a confidential basis, of the fact that an investigation of a <i>disclosure</i> took place and the outcome of the investigation. |
| Responsible officers | <ul style="list-style-type: none"> receive and deal with <i>appropriate disclosures</i> relating to the Council and ensure compliance with the PID Act and relevant ICAC guidelines liaise with and protect the identity of the <i>informant</i> oversee and monitor the <i>disclosure</i> from initial receipt to investigation and outcome/action provide advice to employees and elected members of the Council in relation to administration of the PID Act complete <i>responsible officer</i> training approved by the Commissioner for the purposes of the <i>Public Interest Disclosure Regulations 2019</i> notify the <i>OPI</i> of receipt and outcome of <i>appropriate disclosures</i> seek legal advice where appropriate on operation of the PID Act (including authorisation to incur costs for that purpose) ensure accurate records of an <i>appropriate disclosure</i> are securely and confidentiality maintained |

| | |
|---|---|
| Corporate Leaders | <ul style="list-style-type: none"> undertake <i>disclosure</i> investigations relevant to their functions in accordance with the PID Act, this Policy and other relevant legislation and policies, as a result of referral from a <i>responsible officer</i> |
| Employees ('public officers') | <ul style="list-style-type: none"> all public officers must comply with the PID Act immediately refer any <i>disclosure</i> of public interest information on a confidential basis to a <i>responsible officer</i>, noting the requirements to keep the name of the <i>informant</i> confidential |

3. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Appropriate disclosure

has the meaning as set out in the PID Act.

CEO

means Chief Executive Officer of the Council. The CEO is the Principal Officer for the purpose of the *Public Interest Disclosure Act 2018*.

Corruption

means corruption in public administration as defined in the ICAC Act.

Disclosure

means a disclosure of public interest information made to a responsible officer.

ICAC Act

refers to the *Independent Commissioner Against Corruption Act 2012*.

Independent Assessor

means the person designated by the Responsible Officer as being responsible for investigating a *disclosure* made to the Council in accordance with the Public Interest *disclosure* Procedure.

Informant

means a person who makes an *appropriate disclosure* of public interest information to a *relevant authority*.

Maladministration

means maladministration in public administration as defined in the Ombudsman Act.

Misconduct

means misconduct in public administration as defined in the Ombudsman Act.

Ombudsman Act

means the *Ombudsman Act 1972*.

OPI

means the Office of Public Integrity.

PID Act

means the *Public Interest Disclosure Act 2018*.

Relevant authority

means the authority responsible for receiving an *appropriate disclosure* of public interest information in accordance with the PID Act.

Responsible officer

is a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as responsible officer under section 12 of the PID Act.

4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

- a. *Public Interest Disclosure Act 2018*
- b. *Public Interest Disclosure Regulations 2019*
- c. *Independent Commissioner Against Corruption Act 2012*
- d. *Ombudsman Act 1972*

4.1 Other references

Council documents including:

- a. [Fraud and Corruption Policy](#)
- b. [Risk Management Policy](#)
- c. Employee Conduct Policy
- d. [Elected Member Behavioural Management Policy](#)
- e. [Internal Review of Council Decisions Policy](#)
- f. [General Complaints Policy](#)

External document including:

- a. [Directions and Guidelines for Public Officers](#)

5. STRATEGIC PLAN/POLICY

5.1 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the CEO or relevant Portfolio Director and managed in accordance with Council's scheme of delegations.

| | |
|---------------------------------|---|
| Record number | D23/74722 |
| Responsible Manager | Manager Corporate Governance |
| Other key internal stakeholders | Chief Executive Officer Manager People & Capability |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 22/11/23, 17/8/22, 2019 |
| Legal requirement | Section 12(4) and (5) of the <i>Public Interest Disclosure Act 2018</i> |
| Due date next review | 2027 |
| Delegations | |

Public Interest Disclosure Policy



1. PURPOSE

The purpose of this policy is to provide information for a person who wants to make an appropriate **disclosure** of public interest information to a **relevant authority** at the Council, and provide guidance for employees receiving and managing such **disclosures** of public interest information. There are two types of public interest information:

- Environmental and health information** – information that raises a potential issue of a substantial risk to the environment, public health or safety of the public generally, or a significant section of the public
- Public administration information** – information that raises a potential issue of corruption, misconduct and maladministration in public administration.

This policy applies to all staff and elected members at the City of Tea Tree Gully.

2. POLICY

The CEO, as the principal officer of Council for the purposes of the *Public Interest Disclosure Act 2018*, expects that the City of Tea Tree Gully upholds the principles of transparency and accountability in Council's practices and is committed to:

- encouraging and having processes in place for the making of **disclosures** of public interest information
- protection of informants that reveal public interest information
- establishing risk management steps for assessing and minimising detriment to both people making **disclosures** and those against whom allegations are made
- designating persons that have the responsibility for dealing with **disclosures** in compliance with the PID Act (referred to as **responsible officers**)
- genuine and efficient consideration and action on **disclosures**
- facilitating the investigation of appropriate **disclosures** in a manner that promotes fair and objective treatment of those involved
- referring appropriate **disclosures** to another Relevant Authority (where City of Tea Tree Gully is not the appropriate authority)
- appropriate notification of **disclosures** and outcomes
- secure receipt and storage of **disclosures** by **responsible officers**

Moved down [1]: The City of Tea Tree Gully is committed to upholding the principles of transparency and accountability in our administrative and management practices and we encourage the making of Disclosures that reveal public interest information. ¶

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Deleted: properly fulfil our responsibilities under the Public Interest Disclosure Act 2018¶ encourage and facilitate Disclosures of public interest information in accordance with the objects and requirements of the Public Interest Disclosures (PID) Act 2018

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Deleted: ensure there is appropriate oversight of public interest **Disclosures** about corruption, misconduct and maladministration in public administration provide appropriate protection for those who make **Disclosures** in accordance with the Act¶

Deleted: acknowledge the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.¶

¶ This Policy applies to appropriate Disclosures of public interest information that are made in accordance with the PID Act by Public Officers including Council members, officers, contractors and employees, and by members of the public, and is intended to complement the reporting framework under the ICAC Act. ¶

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2.1 Public Interest Disclosure Process

The public interest **disclosure** process consists of a number of steps:

- a. determining whether the information disclosed constitutes 'public interest information' (i.e. public administration information or environmental and health information) and whether that disclosure constitutes an appropriate disclosure (refer 2.1.1)
- b. making a **disclosure** (refer 2.1.2)
- c. responsible officer preliminary assessment of **disclosure** (refer 2.1.3)
- d. taking action on / investigating a **disclosure** (refer 2.1.4)
- e. notifying the OPI of the receipt of the **disclosure** (refer 2.1.5)
- f. notifying the informant of the preliminary assessment (refer 2.1.6)
- g. notifying to the informant of the outcome / action taken (refer 2.1.7)
- h. notifying to the OPI of the outcome / action taken (refer 2.1.8)

2.1.1 Disclosure types

The following are considered appropriate **disclosures** pursuant to the PID Act:

- a. **Environmental and health information** – anyone (not just public officers) can make a **disclosure** of this type. Disclosure of environmental and health information is appropriate as long as it is made to a **relevant authority** and:
 - i. the person believes on reasonable grounds that the information is true; or
 - ii. not being in a position to form such a belief, the person believes on reasonable grounds that the information may be true and is of sufficient significance to justify its **disclosure** and investigation.
- b. **Public Administration information** – a **disclosure** is an appropriate disclosure if:
 - i. it is made by a **public officer**, not a member of the public;
 - ii. the **public officer** reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
 - iii. it is made to a **relevant authority**.

Appropriate **disclosures** are eligible for protection provided by the PID Act. Other types of information **disclosures** are not subject to protection under the PID Act.

2.1.2 Making a disclosure

A person making a **disclosure** should consider:

- a. whether the information they intend to reveal might be considered an appropriate **disclosure** of public interest information, as defined by the PID Act
- b. who is an appropriate authority for the purposes of disclosing the appropriate information
- c. whether they have obligations under the **PID Act** or **JCAC Act**.

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We are committed to:¶

referring, as necessary, appropriate Disclosures to another Relevant Authority¶ where the Disclosure relates to Corruption that occurred on or after 1 September 2013, reporting the Disclosure directly to the Office of Public Integrity (OPI) in accordance with the requirements of the Independent Commissioner Against Corruption (ICAC) Act and the OPI Directions and Guidelines¶

Where the Disclosure relates to misconduct or maladministration in public administration), reporting any reasonable suspicions to the Ombudsman (reports may also be made to the Office of Public Integrity) ¶ otherwise facilitating the investigation of appropriate Disclosures in a manner that promotes fair and objective treatment of those involved¶ rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.¶

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<#>(Note: Any person can make a **disclosure** of environmental and health information.)¶

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Where a **disclosure** relates to a location or practices within the City of Tea Tree Gully, it is encouraged that this **disclosure** be made in writing to a designated **responsible officer** to ensure the informant receives the protections afforded under the PID Act.

To ensure this occurs, **disclosures** can be made in writing via:

- a. electronically via email (pid@cttg.sa.gov.au) titled 'confidential public interest **disclosure**' (noting only the designated responsible officers have access to the nominated email address); or
- b. in hard copy addressed to PO Box 571, Modbury, South Australia, 5092, marked as a 'confidential public interest **disclosure**'

Disclosures made using the above approach will be allocated to a **responsible officer** being one or more of the following:

- a. Ilona Cooper, Manager Corporate Governance; or
- b. Shannon Hockley, Manager People & Capability; or
- c. Leisha Bond, General Manager Corporate Services; or
- d. Felicity Birch, General Manager City Operations.

A person who knowingly makes a **disclosure** that is false or misleading is guilty of an offence and may be prosecuted.

In the event that an informant is of the belief that their **disclosure** is not being dealt with appropriately, the following person can be contacted:

- a. Ryan McMahon, Chief Executive Officer

2.1.3 Responsible officer preliminary assessment of disclosure

Once a **disclosure** has been made to a **responsible officer**, the **responsible officer** must:

- a. acknowledge receipt of the **disclosure** within three (3) business days (if contact details have been provided);
- b. preliminarily assess the information as soon as practicable after the **disclosure** is made to determine whether to take further action, including by considering:
 - i. whether the content of the **disclosure** suggests there is an imminent risk of serious physical injury or death to any person or the public generally
 - ii. whether the City of Tea Tree Gully is the **relevant authority** or whether the matter needs to be reported to an alternative **relevant authority**
 - iii. whether the information is an appropriate **disclosure** (refer 2.1.1)
- c. and either:
 - i. take action in relation to the information (where applicable, this should be done in accordance with the OPI's Directions and Guidelines for Public Officers or the Ombudsman's Directions and Guidelines) (refer 2.1.4); or
 - ii. take no action, if the information disclosed:
 - is frivolous, vexation or trivial;

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- ~~does not justify the taking of further action; or~~
- ~~relates to a matter that has already been investigated or acted on by a relevant authority and there is no good reason to re-examine or take action on the matter.~~

~~If the **disclosure** has been assessed as not being an **appropriate disclosure** of public interest information, or if the disclosure is an **appropriate disclosure** but no further action is warranted, the **responsible officer** should advise the **informant** of the preliminary assessment determination (refer 2.1.6).~~

~~While the matter may not require further action in accordance with this Policy, the **disclosure** may still be a matter that requires further attention in accordance with other Council policies and procedures.~~

Deleted: If the **disclosure** has been assessed as being an **appropriate disclosure** of public interest information, the **responsible officer** should proceed to taking action on the **disclosure** (refer 2.1.4).¶

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2.1.4 Taking action on / investigating a disclosure

2.1.4.1 Public Administration information

~~Taking appropriate action relating to an **appropriate disclosure** of public administration information, is likely to involve:~~

- ~~the **responsible officer** referring it to the relevant investigation process (while protecting the identity of the informant) such as:~~
 - ~~Elected member matters – refer Council's Elected Member Behavioural Management Policy.~~
 - ~~Employee matters (including regulatory matters) – refer to the employee's corporate leader to consider the matter in accordance with either Council's Employee Conduct Policy and/or General Complaints Policy, and any other relevant Council policies.~~
 - ~~Fraud or corruption matters (including misconduct or maladministration matters) – refer to Fraud and Corruption Policy.~~
- ~~For matters outside Council jurisdiction – the **responsible officer** to ensure necessary information should be communicated to the **relevant authority** to enable action to be taken.~~

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2.1.4.2 Environmental and health information

~~Taking appropriate action relating to an **appropriate disclosure** of environmental and health information, is likely to involve:~~

- ~~the **responsible officer** referring it to the relevant investigation process (while protecting the identity of the informant) such as:~~
 - ~~Environmental health matters covered by the *South Australian Public Health Act 2011* or *Supported Residential Facilities Act 1992* and associated regulations – refer to an Environmental Health Officer (eg. Food safety; high risk manufactured water systems; public swimming pools or spas; hairdressing, beauty or skin penetration businesses, Supported residential facilities).~~

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ii. Health or safety (not environmental health related) – refer to either:

- the corporate leader responsible for the function; or
- an employee responsible for regulatory activity (if community safety related); or
- the work, health and safety team via whs@cctg.sa.gov.au

c. For matters outside Council jurisdiction – the **responsible officer** to ensure necessary information should be communicated to the **relevant authority** to enable action to be taken.

The corporate leader or employee responsible for internally investigating the matter will keep the **responsible officer** informed of the expected timeframes for completion of the investigation, and if relevant, ensure a report is provided to enable the **responsible officer** to undertake the appropriate reporting on receipt and outcome of the **disclosure** to the Office for Public Integrity.

2.1.5 Notifying the OPI - receipt of a disclosure

The **responsible officer** must notify the OPI as soon as reasonably practicable after reaching a preliminary determination in respect of an appropriate **disclosure**, and notifying the informant of the preliminary determination. The notification to the OPI is submitted via a dedicated notification form on the OPI website. A unique reference number will be provided and must be retained by the **responsible officer**. The type of information required may include:

- a. the date the **disclosure** was received
- b. the name and contact details of the responsible officer
- c. summary of the content of the **disclosure**
- d. assessment made of the **disclosure**
- e. the action taken by the responsible officer including:
 - i. whether the **disclosure** was referred to another relevant authority or person
 - ii. if the **disclosure** was referred:
 - the date of the referral
 - the identity of the relevant authority or person
 - the manner of the referral
 - the action to be taken by the relevant authority or person (if known)
- f. if no action was taken by the responsible officer, the reason why no action was taken
- g. whether the identity of the informant is known only to the responsible officer or if the identity of the informant has been communicated to a relevant authority or person (and if so, the reasons why such communication was made)

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2.1.6 Notifying the informant – preliminary assessment

The **responsible officer** must take reasonable steps to notify the informant (if their identity is known) that a preliminary assessment of the information has been made and advise the informant (within 30 days of receipt of the **disclosure**):

- a. of the action being taken as a result of the preliminary assessment (including any referral to another person or authority)
- b. if no action is taken, the reasons why no action is being taken.

2.1.7 Notifying the informant - outcome of disclosure

The **responsible officer** must take reasonable steps to notify the informant (if their identity is known) of the outcome of their determination (within 90 days of receipt of the **disclosure** or such longer period as may be specified by the **responsible officer** within that 90 day period):

- a. of the outcome / action being taken (including any referral to another person or authority)
- b. if no action is taken, the reasons why no action is being taken.

2.1.8 Notifying the OPI - outcome of disclosure

The OPI must also be notified (using the dedicated online form) of any outcome or action taken in relation to the **disclosure**. The notification is to be issued as soon as practicable after the informant is notified of the outcome or action taken (as set out in clause 2.1.7). It is recommended that the following information is provided:

- a. the reference number from the OPI receipt of the **disclosure**
- b. the name and contact details of the responsible officer
- c. the name and contact details of the authority responsible for taking action
- d. what (if any) findings were made in respect of the **disclosure**
- e. the nature of the action taken (if any)
- f. the outcome of any action taken
- g. whether the identity of the informant was disclosed to anyone other than the responsible officer that received the **disclosure**
- h. whether the informant was notified of the action taken, and if so, when the notification was made

2.2 Confidentiality and informant protection

2.2.1 Confidentiality obligations to protect informants

A person who makes an appropriate **disclosure** of public interest information will have their identity protected, which must not knowingly be disclosed without the consent of the informant, unless:

- a. it is necessary to ensure the matter(s) are properly investigated (but only to the extent necessary to ensure proper investigation); or
- b. the recipient believes on reasonable grounds it is necessary to divulge the identity of the informant in order to prevent or minimise an imminent risk of serious

Deleted: 2.1 . Confidentiality of an Informant's Identity¶

Deleted: The identity of an Informant will be maintained as confidential in accordance with the PID Act. ¶

A recipient of an **appropriate Disclosure** may only divulge the identity of an **Informant** where: ¶
the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person¶
the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI¶
doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or¶
the Informant consents to his/her identity being disclosed. ¶

¶
The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure, the Council should be mindful of the prohibition against victimisation in the PID Act. ¶

¶
An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.¶

¶
2.2 . Disclosure process¶

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physical injury or death to any person, and the identity is divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person.

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There are financial penalties and criminal offences for divulging an informant's identity outside of the above listed parameters.

An **informant** may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

2.2.2 Informant protection

An **informant** who makes an appropriate **disclosure** to a relevant authority is entitled to:

- a. protection from the disclosure of their identity, subject to the operation of section 8 of the PID Act
- b. immunity from criminal or civil liability in relation to their disclosure
- c. protection against victimisation
- d. a prohibition against hindering, obstructing or being prevented from making an appropriate **disclosure**.

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Protection is not provided to people who knowingly make disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular).

Council has taken the following risk management steps for assessing and minimising detrimental action against a person making a **disclosure**:

- a. dedicated email address for making **disclosures** with access restricted to **responsible officers**
- b. electronic records secured by limiting security access to responsible officers (or those involved in addressing or investigating the **disclosure** directly)
- c. hard copy records secured in a locked cabinet which only responsible officers and the CEO have access to
- d. responsible officers undertaking training on confidentiality and informant protection
- e. appointing an Independent Assessor on a case-by-case basis depending on the nature of the **disclosure**
- f. observing procedural fairness in the treatment of any person making a **disclosure**
- g. considering the information and evidence collected and drawing conclusions objectively and impartially.
- h. any report prepared will not disclose particulars that will, or are likely to, lead to the identification of the informant, unless done so in accordance with section 2.2.1.

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Any Council member or employee who knowingly makes a disclosure that is false or misleading in a material particular, commits an act of victimisation or acts otherwise than in accordance with this Policy may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

2.2.3 Protection of persons against whom allegations are made

Council has taken the following risk management steps for assessing and minimising detriment to a person whom allegations are made in a **disclosure**:

- a. dedicated email address for making **disclosures** with access restricted to **responsible officers**
- b. electronic records secured by limiting security access to responsible officers (or those involved in addressing or investigating the **disclosure** directly)
- c. hard copy records secured in a locked cabinet which only responsible officers and the CEO have access to
- d. responsible officers undertaking training on confidentiality and informant protection
- e. considering the information and evidence collected and drawing conclusions objectively and impartially
- f. observing procedural fairness in the treatment of any person who is the subject of **disclosure**, and ensuring the person is provided with an opportunity to respond to the **disclosure** within a reasonable timeframe and
- g. appointing an Independent Assessor on a case-by-case basis depending on the nature of the **disclosure**.

2.3 Roles and Responsibilities

Roles and responsibilities are assigned to provide a governance structure to ensure accountability throughout the public interest **disclosure** and investigation. The following roles and responsibilities have been defined:

| | |
|---|---|
| Informant | <ul style="list-style-type: none"> entitled to withhold consent to their identity being disclosed but must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated |
| Elected Members ('the Council') – also 'public officers' | <ul style="list-style-type: none"> immediately refer any disclosure of public interest information on a confidential basis to a responsible officer, noting the requirements to keep the name of the informant confidential maintain confidentiality regarding any information provided by the CEO regarding a disclosure |
| Principal officer / Chief Executive Officer | <ul style="list-style-type: none"> ensure one or more appropriately qualified employees of the Council are designated as responsible officers for the purposes of the PID Act |

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Deleted: In accordance with the PID Act, an Informant who makes an appropriate **disclosure** is protected by:¶
immunity from criminal or civil liability in relation to that Disclosure¶
a prohibition on Disclosure of his/her identity¶
a prohibition against Victimisation¶
a prohibition against hindering, obstructing or preventing an Informant from making an appropriate disclosure. ¶
¶
The PID Act does not provide any protection to people who knowingly make Disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular). A person who knowingly makes a Disclosure that is false or misleading in a material particular is guilty of an offence and may be prosecuted. ¶
¶
A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.¶
¶
We may take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation. Such action may include acting in accordance with the risk minimisation steps set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Police.¶
¶
Any Council member, employee or officer of the Council who: ¶
knowingly makes a Disclosure that is false or misleading in a material particular; or¶
commits an act of Victimisation in relation to an Informant; or¶
acts otherwise than in accordance with this Policy or the Public Interest Disclosure Procedure (including with respect to divulging the identity of an Informant) in relation to a Disclosure may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).¶
Disclosures will be handled in accordance with the Public Interest Disclosure Procedure.¶
¶
Nothing in this Policy prevents a person from making a disclosure to an external Relevant Authority (i.e. the Ombudsman or the OPI). This is a choice to be made by the Informant at his/her discretion. We recommend an Informant have regard to the factors at Clause 6.2 of the Public Interest Disclosure Procedure when deciding where to direct a Disclosure.¶
¶

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| | <ul style="list-style-type: none"> as a matter of discretion, the CEO may inform the elected members or a relevant Committee, on a confidential basis, of the fact that an investigation of a disclosure took place and the outcome of the investigation. |
| Responsible officers | <ul style="list-style-type: none"> receive and deal with appropriate disclosures relating to the Council and ensure compliance with the PID Act and relevant ICAC guidelines liaise with and protect the identity of the informant oversee and monitor the disclosure from initial receipt to investigation and outcome/action provide advice to employees and elected members of the Council in relation to administration of the PID Act complete responsible officer training approved by the Commissioner for the purposes of the <i>Public Interest Disclosure Regulations 2019</i> notify the OPI of receipt and outcome of appropriate disclosures seek legal advice where appropriate on operation of the PID Act (including authorisation to incur costs for that purpose) ensure accurate records of an appropriate disclosure are securely and confidentiality maintained |
| Corporate Leaders | <ul style="list-style-type: none"> undertake disclosure investigations relevant to their functions in accordance with the PID Act, this Policy and other relevant legislation and policies, as a result of referral from a responsible officer |
| Employees ('public officers') | <ul style="list-style-type: none"> all public officers must comply with the PID Act immediately refer any disclosure of public interest information on a confidential basis to a responsible officer, noting the requirements to keep the name of the informant confidential |

3. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Appropriate disclosure

has the meaning as set out in the PID Act.

CEO

means Chief Executive Officer of the Council. The CEO is the Principal Officer for the purpose of the Public Interest Disclosure Act 2018.

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A person designated as a Responsible Officer for the Council must:¶
receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and the Public Interest Disclosure Procedure, in relation to any such Disclosures¶
make appropriate recommendations to the Principal Officer of the Council in relation to dealing with Disclosures, including any suggested changes to this Policy or the Public Interest Disclosure Procedure¶
provide advice to officers and employees of the Council in relation to the administration of the PID Act¶
complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations¶
deal with Disclosures in accordance with the Public Interest Disclosure Procedure. ¶

Moved up [2]: We may take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation. Such action may include acting in accordance with the risk minimisation steps set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Poli¶

Deleted: CEO ¶

means Chief Executive Officer of the Council. The CEO is the Principal Officer for the purpose of the *Public Interest Disclosure Act 2018*.¶

Deleted: a disclosure of public interest information where a responsible officer has preliminarily assessed that the disclosure meets the requirements of the PID Act.Commissioner

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Deleted: means the person holding or acting in the office of the Independent Commissioner Against Corruption.

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Corruption
means corruption in public administration as defined in the ICAC Act.

Disclosure
means a disclosure of public interest information made to a responsible officer.

ICAC Act
refers to the Independent Commissioner Against Corruption Act 2012.

Independent Assessor
means the person designated by the Responsible Officer as being responsible for investigating a disclosure made to the Council in accordance with the Public Interest disclosure Procedure.

Informant
means a person who makes an appropriate disclosure of public interest information to a relevant authority.

Maladministration
means maladministration in public administration as defined in the Ombudsman Act.

Misconduct
means misconduct in public administration as defined in the Ombudsman Act.

Ombudsman Act
means the Ombudsman Act 1972.
OPI
means the Office of Public Integrity.

PID Act
means the *Public Interest Disclosure Act 2018*.

Relevant authority
means the authority responsible for receiving an appropriate disclosure of public interest information in accordance with the PID Act.

Responsible officer
is a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as responsible officer under section 12 of the PID Act.

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Deleted: <#>an offence against Part 7 Division 4 (Offences relating to Public Officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:¶

<#>bribery or corruption of Public Officers¶

<#>threats or reprisals against Public Officers¶

<#>abuse of public office¶

<#>demanding or requiring benefit on the basis of public office¶

<#>offences relating to appointment to public off... [2]

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4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

- a. [Public Interest **Disclosure** Act 2018](#)
- b. [Public Interest **Disclosure** Regulations 2019](#)
- c. [Independent Commissioner Against Corruption Act 2012](#)
- d. [Ombudsman Act 1972](#)

Deleted: [Victimisation](#) ¶

occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate Disclosure of public interest information. ¶

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4.1 Other references

Council documents including:

- a. [Fraud and Corruption Policy](#)
- b. [Risk Management Policy](#)
- c. [Employee Conduct Policy](#)
- d. [Elected Member Behavioural Management Policy](#)
- e. [Internal Review of Council Decisions Policy](#)
- f. [General Complaints Policy](#)

Deleted: [Reference to other Acts:](#) ¶

Local Government Act 1999 ¶
Criminal Law Consolidation Act 1935, Part 5, in relation to offences of dishonesty committed by a Public Officer or former Public Officer ¶
Criminal Law Consolidation Act 1935 Part 7, Division 4 in relation to offences relating to Public Officers ¶

Deleted: Code of Conduct for Council Members Code of Conduct for Council Members

Deleted: <#>Public Interest Disclosure Procedure (D19/45334) ¶

External document including:

- a. [Directions and Guidelines for Public Officers](#)

Deleted: Office for Public Integrity Directions and Guidelines for Public Officers

5. STRATEGIC PLAN/POLICY

5.1 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

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This policy is based on a model policy developed by the Local Government Association. ¶

6. POLICY IMPLEMENTATION

This Policy will be implemented by the CEO or relevant Portfolio Director and managed in accordance with Council's scheme of delegations.

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Appendix 1 Relevant Authorities ¶
Where the information relates to... ... [7]

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| | | |
|---------------------------------|---|--|
| Record number | D23/74722 | Deleted: ¶ |
| Responsible Manager | Manager Corporate Governance | Page Break |
| Other key internal stakeholders | Chief Executive Officer <u>Manager People & Capability</u> | Deleted: Manager People & Capability |
| Last reviewed | | |
| Adoption reference | | |
| Resolution number | | |
| Previous review dates | <u>22/11/23</u> , 17/8/22, 2019 | |
| Legal requirement | <u>Section 12(4) and (5) of the Public Interest Disclosure Act 2018</u> | Deleted: The Public Interest Disclosure Act 2018 requires that proper procedures are in place for making and dealing with public interest Disclosures and by providing protection for persons making such Disclosures. |
| Due date next review | 202 <u>7</u> | Deleted: 5 |
| Delegations | | Deleted: ¶ |
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Public Interest Disclosure Policy



| | |
|---------------------------------|---|
| Record number | D22/6003 |
| Responsible Manager | Manager Organisational Development |
| Other key internal stakeholders | Chief Executive Officer Director Community and Cultural Development Director Organisational Services & Excellence Director Assets and Environment |
| Last reviewed | 17 August 2022 |
| Adoption reference | Governance and Policy Committee |
| Resolution number | 181 |
| Previous review dates | 2019 |
| Legal requirement | The Public Interest Disclosure Act 2018 requires that proper procedures are in place for making and dealing with public interest Disclosures and by providing protection for persons making such Disclosures. |
| Due date next review | 2025 |

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City of Tea Tree Gully / Public Interest Disclosure Policy

1. PURPOSE

The City of Tea Tree Gully is committed to upholding the principles of transparency and accountability in our administrative and management practices and we encourage the making of Disclosures that reveal public interest information.

The purpose of this Policy is to ensure that we:

- a. properly fulfil our responsibilities under the *Public Interest Disclosure Act 2018*
- b. encourage and facilitate Disclosures of public interest information in accordance with the objects and requirements of the *Public Interest Disclosures (PID) Act 2018*
- c. ensure there is appropriate oversight of public interest Disclosures about corruption, misconduct and maladministration in public administration
- d. provide appropriate protection for those who make Disclosures in accordance with the Act
- e. acknowledge the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.

This Policy applies to appropriate Disclosures of public interest information that are made in accordance with the PID Act by Public Officers including Council members, officers, contractors and employees, and by members of the public, and is intended to complement the reporting framework under the ICAC Act.

2. POLICY

We are committed to:

- a. referring, as necessary, appropriate Disclosures to another Relevant Authority
- b. where the Disclosure relates to Corruption that occurred on or after 1 September 2013, reporting the Disclosure directly to the Office of Public Integrity (OPI) in accordance with the requirements of the Independent Commissioner Against Corruption (ICAC) Act and the OPI Directions and Guidelines
- c. Where the Disclosure relates to misconduct or maladministration in public administration), reporting any reasonable suspicions to the Ombudsman (reports may also be made to the Office of Public Integrity)
- d. otherwise facilitating the investigation of appropriate Disclosures in a manner that promotes fair and objective treatment of those involved
- e. rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

2.1 Confidentiality of an Informant's Identity

The identity of an Informant will be maintained as confidential in accordance with the PID Act.

A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:

- a. the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person

- b. the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI
- c. doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or
- d. the Informant consents to his/her identity being disclosed.

The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure, the Council should be mindful of the prohibition against victimisation in the PID Act.

An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

2.2 Disclosure process

Disclosures will be handled in accordance with the Public Interest Disclosure Procedure.

Nothing in this Policy prevents a person from making a disclosure to an external Relevant Authority (i.e. the Ombudsman or the OPI). This is a choice to be made by the Informant at his/her discretion. We recommend an Informant have regard to the factors at Clause 6.2 of the Public Interest Disclosure Procedure when deciding where to direct a Disclosure.

A Disclosure may be made to one of our designated Responsible Officers in person, by telephone or in writing. The relevant contact details are:

| | |
|-------------------|-----------|
| Shelley Blackwell | 8397 7398 |
| Ryan McMahon | 8397 7297 |
| Ilona Cooper | 8397 7310 |

Email: pid@cttg.sa.gov.au

Address:
Confidential Public Interest Disclosure
PO Box 571, Modbury, South Australia, 5092.

2.3 Role of the Responsible Officer

A person designated as a Responsible Officer for the Council **must**:

- a. receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and the Public Interest Disclosure Procedure, in relation to any such Disclosures
- b. make appropriate recommendations to the Principal Officer of the Council in relation to dealing with Disclosures, including any suggested changes to this Policy or the Public Interest Disclosure Procedure
- c. provide advice to officers and employees of the Council in relation to the administration of the PID Act
- d. complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations
- e. deal with Disclosures in accordance with the Public Interest Disclosure Procedure.

Responsible Officers may also carry out any other functions relating to the PID Act. In making any determination or taking any action under this Policy or pursuant to the Public Interest Disclosure Procedure, the Responsible Officer:

- a. may seek legal advice from our lawyers and/or guidance from SAPOL or the Ombudsman in relation to the most appropriate course of action to pursue
- b. is authorised to incur costs in accordance with budgets for that purpose.

The Responsible Officer will liaise as required with the Informant and any Independent Assessor in relation to any investigation process undertaken (in accordance with the Public Interest Disclosure Procedure), and will ensure that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.

2.4 Information to Elected Members

As a matter of discretion, the CEO may inform the elected members, on a confidential basis, of the fact that an investigation of a Disclosure took place and the outcome of the investigation.

Factors the CEO will take into account in determining whether to inform the elected members and the level of detail provided in doing so are to include:

- a. if known, the identity of the Informant, and whether the Informant has consented to his/her identity being divulged
- b. if applicable, the identity of any person the subject of the Disclosure
- c. **the impact (if any) of the investigation upon the Council's achievement of its objectives under its Strategic Plan and/or policies; and**
- d. the operational/budgetary impact of any action taken to finalise the matter.

In the event the Disclosure and/or any subsequent investigation process is confined to issues that impact only upon our employees and human resource processes, the CEO will not inform the elected members of the fact of the Disclosure and/or investigation (since these matters fall outside the roles and responsibilities of elected members under the *Local Government Act 1999*), unless **there is likely to be a significant impact on the City of Tea Tree Gully's reputation.**

2.5 Protection for the Informant

In accordance with the PID Act, an Informant who makes an appropriate Disclosure is protected by:

- a. immunity from criminal or civil liability in relation to that Disclosure
- b. a prohibition on Disclosure of his/her identity
- c. a prohibition against Victimisation
- d. a prohibition against hindering, obstructing or preventing an Informant from making an appropriate disclosure.

The PID Act does not provide any protection to people who knowingly make Disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular). A person who knowingly makes a Disclosure that is false or misleading in a material particular is guilty of an offence and may be prosecuted.

A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.

We may take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation. Such action may include acting in accordance with the risk minimisation steps set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Police.

Any Council member, employee or officer of the Council who:

- a. knowingly makes a Disclosure that is false or misleading in a material particular; or
- b. commits an act of Victimisation in relation to an Informant; or
- c. acts otherwise than in accordance with this Policy or the Public Interest Disclosure Procedure (including with respect to divulging the identity of an Informant) in relation to a Disclosure may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

3. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

CEO

means Chief Executive Officer of the Council. The CEO is the Principal Officer for the purpose of the Public Interest Disclosure Act.

Commissioner

means the person holding or acting in the office of the Independent Commissioner Against Corruption.

Corruption in public administration

is defined in section 5(1) of the ICAC Act and means:

- a. an offence against Part 7 Division 4 (Offences relating to Public Officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
 - (i) bribery or corruption of Public Officers

- (ii) threats or reprisals against Public Officers
- (iii) abuse of public office
- (iv) demanding or requiring benefit on the basis of public office
- (v) offences relating to appointment to public office
- b. an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence
- c. an offence against the Lobbyists Act 2015, or an attempt to commit such an offence
- d. any of the following in relation to an offence referred to in a preceding paragraph:
 - (i) aiding, abetting, counselling or procuring the commission of the offence
 - (ii) inducing, whether by threats or promises or otherwise, the commission of the offence
 - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence
 - (iv) conspiring with others to effect the commission of the offence.

Council

means City of Tea Tree Gully.

Detriment

includes:

- a. injury, harm (including psychological harm), damage (including damage to reputation) or loss
- b. intimidation or harassment
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment and/or
- d. threats of reprisal (which may be express or implied, and/or conditional or unconditional).

Directions and Guidelines

is a reference to the Directions and Guidelines issued pursuant to section 18B of the ICAC Act and/or section 14 of the PID Act and/or section 12D of the Ombudsman Act 1972, which are available on the **relevant agency's website**.

Disclosure

means an appropriate Disclosure of public interest information made by an Informant to a Relevant Authority.

A person makes an *appropriate Disclosure of environmental and health information* if:

- a. the person:
 - (i) believes on reasonable grounds that the information is true; or
 - (ii) is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated, and
 - (iii) the Disclosure is made to a Relevant Authority

A person makes an appropriate Disclosure of public administration information if:

- a. the person:
 - (i) is a Public Officer
 - (ii) reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
 - (iii) the Disclosure is made to a Relevant Authority.

Employee

refers to all our employees, whether they are working in a full-time, part-time or casual capacity.

Environmental and health information

means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.

Fraud

includes an intentional dishonest act or omission done with the purpose of deceiving.

ICAC Act

is the *Independent Commissioner Against Corruption Act 2012*.

Independent Assessor

means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to the Council in accordance with the Public Interest Disclosure Procedure.

Informant

means a person who makes an appropriate Disclosure of public interest information to a Relevant Authority.

Maladministration in public administration

is defined in section 4(2) of the Ombudsman Act 1972 and means:

- a. conduct of a Public Officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
- b. conduct of a Public Officer involving substantial mismanagement in or in relation to the performance of official functions; and
 - (i) includes conduct resulting from impropriety, incompetence or negligence; and
 - (ii) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

Misconduct in public administration is defined in section 4(1) of the Ombudsman Act 1972 and means:

- a. an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer

Office for Public Integrity (OPI) is the office established under the ICAC Act that has the function to:

- a. receive and assess complaints about public administration from members of the public
- b. receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies, public authorities and Public Officers
- c. refer complaints and reports to inquiry agencies, public authorities and Public Officers

Public administration

defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the *Ombudsman Act 1972* will be taken to be carried out in the course of public administration.

Public administration information

means information that raises a potential issue of corruption, misconduct or maladministration in public administration.

Public interest information

means environmental or health information, or public administration information.

PID Act

means the *Public Interest Disclosure Act 2018*.

Principal Officer

for the purposes of the PID Act means the Chief Executive Officer of the Council.

Public Officer

has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:

- a. a Council member
- b. an employee or officer of the City of Tea Tree Gully
- c. a person performing contract work for the City of Tea Tree Gully

Relevant Authority

means the person or entity that receives an appropriate Disclosure of public interest information in accordance with the PID Act, as set out in Attachment 1 to this Policy.

Responsible Officer

is a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as Responsible Officer under section 12 of the PID Act.

Victimisation

occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate Disclosure of public interest information.

4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

- a. Public Interest Disclosure Act 2018
- b. Public Interest Disclosure Regulations 2019
- c. Independent Commissioner Against Corruption Act 2012
- d. Ombudsman Act 1972

Reference to other Acts:

- a. Local Government Act 1999
- b. Criminal Law Consolidation Act 1935, Part 5, in relation to offences of dishonesty committed by a Public Officer or former Public Officer
- c. Criminal Law Consolidation Act 1935 Part 7, Division 4 in relation to offences relating to Public Officers

4.1 Other references

Council documents including:

- a. [Fraud and Corruption Prevention Policy](#)
- b. Employee Conduct Policy
- c. [Code of Conduct for Council Members](#)
- d. [Internal Review of Council Decisions Policy](#)
- e. Public Interest Disclosure Procedure (D19/45334)

External document including:

- a. [ICAC Public Interest Disclosure Guidelines](#)
- b. [Ombudsman SA Directions and Guidelines](#)
- c. Office for Public Integrity Directions and Guidelines for Public Officers

This policy is based on a model policy developed by the Local Government Association.

5. STRATEGIC PLAN/POLICY

5.1 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the CEO or relevant Portfolio Director and managed in accordance with Council's scheme of delegations.

Appendix 1 Relevant Authorities

| Where the information relates to... | The Relevant Authority is... |
|--|--|
| a Public Officer* *as defined and set out in Schedule 1 of the <i>Independent Commissioner Against Corruption Act 2012</i> - relevantly, this includes members, officers, employees and those undertaking contract work for local government bodies | either: <ul style="list-style-type: none"> the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the Public Officer; or the person who is in fact responsible for the management or supervision of the public officer; or the relevant Responsible Officer (as designated by the Council in accordance with section 12 of the PID Act) |
| a public sector agency or public sector employee | either: <ul style="list-style-type: none"> the Commissioner for Public Sector Employment; or the responsible officer for the relevant public sector agency |
| an agency to which the <i>Ombudsman Act 1972</i> applies | the Ombudsman |
| a location within the area of a particular council established under the <i>Local Government Act 1999</i> | a member, officer or employee of that Council |
| a risk to the environment | the Environment Protection Authority |
| an irregular and unauthorised use of public money or substantial | the Auditor-General |
| the commission, or suspected commission, of any offence | a member of the police force |
| a judicial officer | the Judicial Conduct Commissioner |
| a member of Parliament | the Presiding Officer of the House of Parliament to which the member belongs |
| a person or a matter of a prescribed class ¹ | an authority declared by the regulations to be a relevant authority in relation to such information |

¹ at this stage, no prescribed persons or classes have been identified

| Where the information relates to... | The Relevant Authority is... |
|--|--|
| public interest information - being: <ul style="list-style-type: none">• environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or• public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration) | <ul style="list-style-type: none">• the OPI;• a Minister of the Crown; or• any other prescribed person or person of a prescribed class |

FOOTPATH POLICY

Responsible Manager: Manager Technical & Engineering Services

This policy is due for review as part of the cyclical review process.

The current policy is considered relevant and appropriate, however the criteria for constructing a footpath along one side of a road is considered too stringent.

The existing criteria requires an estimated (or recorded) vehicular volume of greater than 300 vehicles/ day and that the footpath provides a link to the existing footpath network.

It is now industry practice to adopt 7 vehicle moments per day, per property.

It is proposed that the criteria for constructing a footpath along one side of a road be changed to 100 v/d (equivalent to say a road with 15 properties) and to change the criteria to consider a footpath if the new footpath provides a well patronised link to the existing footpath network.

Other amendments relate to footpath placement and reporting back to Council when a change in the footpath program occurs.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Footpath Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted.

| Summary of changes | | |
|--|--|---|
| Page No. | Heading | Comments |
| 1 | 2.1.1 Footpath construction on one side of a public road | Changed from greater than 300 (vpd) to greater than 100 vehicles per day (vpd). Included the conjunction 'OR' |
| 1 | 2.1.2 Footpath construction on both sides of a public road | Expanded the examples in item c for clarity. |
| 2 | 2.1.3 No footpath construction | Changed the Annual Average Daily Vehicular Traffic volume from 300 vpd to 100 vpd |
| 2 | 2.2.4 Footpath construction for new land developments | Updated title of policy |
| 2/3 | 2.3 Technical Specifications | Added 'on a residential verge' for clarity. Information added to describe the alignment of footpaths on residential streets and main roads. |
| 3 | 2.4 Public Notification | Added the requirement (which is an existing process) to report back to Council should a footpath be removed from the program by the CEO or delegate. |
| Changes during or after GPC Meeting for Council Meeting [date] | | |
| | | |
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| Supporting Information |
|------------------------|
| |

Attachments

| | |
|--|----|
| 1. ↓ Footpath Policy | 99 |
|--|----|

Footpath Policy



1. PURPOSE

Council supports walking, cycling and independent mobility to benefit the health and well-being of our residents and to minimise the impact of vehicular traffic on the environment. To assist in meeting this aim, Council provides new sealed footpaths in viable locations throughout the City.

2. POLICY

This policy applies to new sealed footpaths in public spaces (roads and reserves) that are constructed by Council.

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Council's footpath policy provides guidelines for the location of new footpaths and the construction materials used, to enable a sustainable, practical and safe network of footpaths.

2.1 Footpath Hierarchy

A hierarchy has been established to enable the qualitative selection of locations for the construction of new footpaths based on pedestrian needs. Consideration is given to vehicular traffic volumes, land use and proximity to facilities (e.g. education, sporting, shopping etc.), bus routes and linkages to existing footpaths.

2.1.1 Footpath construction on one side of a public road

Consideration will be given to constructing a footpath on one side of a public road where;

- a) The Annual Average Daily Vehicular Traffic volume is greater than 100 vehicles per day (vpd) and less than 3,000 vpd, or
- b) The footpath provides a well patronised link to the existing footpath network.

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2.1.2 Footpath construction on both sides of a public road

Consideration will be given to constructing a footpath on both sides of a public road where;

- a) The Annual Average Daily Vehicular Traffic volume is greater than 3,000 vpd, or
- b) The road is a public transport route, or
- c) The footpath is adjacent a significant pedestrian generator such as, a sporting area, regional or district reserve, education facility, aged care facility or shopping precinct.

2.1.3 No footpath construction

Consideration will be given to not constructing a footpath where one or more of the following factors apply;

- There are no existing connecting footpaths or possible future connecting footpaths.
- The Annual Average Daily Vehicular Traffic volume is less than 100 vpd.
- The road verge has significant obstructions such as public infrastructure or regulated and significant trees.
- The gradient or cross fall on the verge is significantly steep and the construction would have a significant impact on the adjacent land owner's property and the construction cost is high.

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2.2 Footpath construction for new land developments

Refer to the Land Division Infrastructure and Open Space [Management](#) Policy.

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2.3 Technical Specifications

Footpaths on a residential verge will be generally constructed to a width of 1500 mm. This width may be reduced to a minimum of 900mm where there are physical constraints or it is otherwise impractical to provide the full width.

New sealed footpaths shall be constructed of concrete, asphaltic concrete, exposed aggregate concrete, coloured (oxidised) concrete, block pavers or a suitable permeable alternative.

Footpaths shall be designed and constructed to facilitate ease of use by the users with impaired mobility or vision. Footpaths will incorporate Tactile Ground Surface Indicators (TGSIs), handrails and kerb ramps.

The alignment of new footpaths on a residential verge will be, wherever possible, adjacent to the back of kerb to minimise impact on landscaped/turf areas. A site assessment will be undertaken to select the required footpath alignment prior to construction to allow for factors such as stobie poles, trees, existing constructed footpaths and pedestrian safety.

The alignment of new footpath on a main road will be, wherever possible, adjacent to the back of kerb and extend the width to the property boundary unless the width is greater than 2.0m. Appropriate design solutions will be applied for placement of tree plantings, where relevant.

Footpath and Cycle Ways shall be designed with consideration to the requirements of the relevant Australian Standards and Austroads guidelines.

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2.4 Public Notification

Property owners will be informed in writing of the proposed footpath construction and provided the opportunity to remove irrigation systems or landscaped areas that encroach onto the road reserve. If these are not removed by the property owner, Council's contractor will remove and reinstate irrigation systems but not landscaped areas.

If Council receives objection to the proposed construction, the CEO, or their delegate, will consider the reasons for the objection. If the footpath does not form an essential link in the network the CEO, or their delegate, may decide to not proceed with the footpath construction project. [Should the construction of a footpath not proceed as per the Annual Business Plan, Council will be informed via an information report to Council.](#)

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2.5 Site Works

The location of a new footpath is determined by Council staff in consultation with the Footpath Contractor, if required. Consideration is given to the impact and costs of relocating or altering existing or future infrastructure and street trees, or the slope of the land, the location and connection to existing footpaths and crossing points.

Council may construct or reconstruct an existing driveway crossing place to a maximum depth of 4m, at no cost to the property owner, in the event the existing crossing place does not provide a safe thoroughfare for pedestrians.

2.6 Protection of Trees

Excavation work and digging around and adjacent to trees can damage their root systems and threaten the health of the tree. All footpath construction will be undertaken with care to protect the root zone of council trees, including care during excavation and reinstating with appropriate material.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Sealed Footpath

A footpath constructed of concrete, asphalt concrete, block pavers or a suitable permeable alternative.

Network Link

Is where a footpath is required to enable a pedestrian link between two footpaths.

Regulated tree

According to the Planning Development and Infrastructure Act 2016 this means trees within a designated area as prescribed within Regulation 3F and that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point one(1) metre above natural ground level, but does not apply to those trees listed within Regulation 3F(4) of the Development Regulations.

Significant tree

Planning, Development and Infrastructure Act 2016 Part 1, clause 3(1) definition of Significant Tree:
significant tree means—

- a. a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, under the Planning and Design Code (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations); or
- b. a tree declared to be a regulated tree by the regulations, or a tree within a class of trees declared to be regulated trees by the regulations that, by virtue of the application of prescribed criteria, is to be taken to be a significant tree for the purposes of this Act;

Crossing Place

The section of land that connects a private driveway (from the property boundary) to the public carriageway.

4. LEGISLATIVE FRAMEWORK

The following legislation applies to this Policy:

Local Government Act 1999

Section 212 provides Council with the power to construct and maintain footpaths within the City

Civil Liability Act 1936

Division -5 – Liability of road authorities

1. A road authority is not liable in tort for a failure –
 - a. To maintain, repair or renew a road; or
 - b. To take other action to avoid or reduce the risk to harm that result from a failure to maintain, repair or renew a road.
 - i. In this section –

Road means a street, road or thoroughfare to which the public access is available to vehicles or pedestrians (or both) and includes –

- a. A bridge, viaduct, busway (including the O-Bahn) or subway;
- b. An alley, laneway or walkway;
- c. A carpark;
- d. A footpath;
- e. A structure associated with a road

[Disability Inclusion Act 2018](#)

Section 16 of this Act relates to disability access and inclusion plans and references at section 16(3)(d)(i) about access to built environs, events and facilities. The term 'built environs' includes public footpaths and walkways.

[Federal - Disability Discrimination Act 1992](#)

Section 23 of this Act requires non-discriminatory access to premises which the public or a section of the public is entitled to use. The term 'premises' includes public footpaths and walkways.

[Road Traffic Act 1961](#)

This Act is relevant in relation to Council's powers to install traffic control devices.

4.1 Other references

Council's documents including:

- a. [Fees and Charges Register](#)
- b. Councils Local Area Bike Plan
- c. [Tree Management Policy](#)
- d. [Disability Access and Inclusion Plan](#)

External documents including:

- a. Australian Standards Code 1428 'Design for Access and Mobility' prescribes the access requirements in the planning, development and construction of pedestrian facilities for access to and within buildings.
- b. Australian Standards Code 1742.10 'Manual of Uniform Traffic Control Devices in South Australia' specifies the use of signs and devices.
- c. Austroads Guide to Traffic Engineering Practices Part 13 Pedestrians and Part 14 Bicycles
- d. Austroads Guide to Traffic Engineering Practices Part 6A Pedestrians and Cyclist Paths.

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

| Objective | Comments |
|--|---|
| Community | |
| <i>People can have a say in decisions that affect them and the key decisions of the Council</i> | Consultation via the Annual Business Plan process as well as further contact notifying of impending works encouraging contact with staff to address specific needs or concerns. |
| Places | |
| <i>Streets, paths, open spaces and parks are appealing, safe and accessible</i> | Footpaths separate pedestrians and cyclists from vehicular traffic. Footpaths also provide an appealing frontage for residential houses and businesses. |
| <i>Neighbourhoods are easy to move around and are well connected with pedestrian and cycle paths that offer an alternative to cars</i> | Footpaths provide connection to facilities, services and public spaces and reduce the reliance on cars. |

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on four key themes of organisational excellence. The themes most relevant to this report are: Customer Care; Learning & Growth; Future Capability; Sustainable Operations.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

| | |
|---------------------------------|---|
| Record number | D23/74770 |
| Responsible Manager | Manager Technical & Engineering Services |
| Other key internal stakeholders | General Manager City Operations Manager Field Services Manager City Development |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 20/10/21, 26/02/2019 |
| Legal requirement | NA |
| Due date next review | 2027 |
| Delegations | |



EMERGENCY MANAGEMENT POLICY / INCIDENT MANAGEMENT POLICY

Responsible Manager: Corporate Governance

Council's Emergency Management Policy is due for review in 2024. This policy establishes the way Council will exercise its powers and functions under the various relevant legislation in an emergency event.

Currently, Council's Business Continuity Plan and associated documents are undergoing a major review to ensure continued alignment with best practice and relevant standards. Through this process, it has been identified that a policy position could be incorporated into the policy for business continuity to demonstrate **Council's commitment to, and implementation of, an** appropriate Business Continuity Management (BCM) system (noting these practices already exist internally).

BCM provides a structured approach to identifying disruption-related risks and builds capacity to respond to a disruption to Council operations, to ensure continued delivery of key business services and achievement of critical business objectives. BCM is an important component of **Council's broader risk management program contributing to good governance and organisational resilience.**

Rather than develop a separate BCM policy, it was deemed appropriate to incorporate this information into the Emergency Management Policy. To reflect the change to this policy, it has been renamed to Incident Management Policy which is consistent with language used in other Council documents (e.g. Incident Management Framework).

The new Incident Management Policy now establishes Council's commitment to emergency management and business continuity management. It provides a holistic framework to minimise the potential consequences of an emergency or disruption event to Council and its community.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the policy formerly known as “Emergency Management Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be renamed and adopted as the “Incident Management Policy ” (as provided in Attachment 1).

| Summary of changes | | |
|--|--|--|
| Page No. | Heading | Comments |
| 1 | Purpose | Amended to include business continuity management. Paragraph moved from introduction to purpose that highlight the impact of emergency events to Council and its community. |
| 1 | Emergency management | New section title to separate information specific to emergency management |
| 2 | Support to Control Agencies and emergency services | Amended responsibilities of the Local Government Functional Support Group as per current State Emergency Management Plan provisions (and moved it from elsewhere in the document) |
| 3 | Business continuity management | New section to establish policy position for business continuity management, which already exists in practice |
| 5 | Definitions | Added new definitions relating to business continuity and amended some existing definitions for currency |
| 8 | Strategic Plan | Added ‘Leadership’ objective for relevance to business continuity management |
| - | N/A | General realignment of sections to improve flow of policy information |
| - | N/A | Added references to business continuity and disruption events throughout policy |
| Changes during or after GPC Meeting for Council Meeting [date] | | |
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| Supporting Information |
|------------------------|
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Attachments

1. [↓](#) Incident Management Policy 109

Incident Management Policy



1. PURPOSE

This policy establishes the City of Tea Tree Gully's commitment to emergency management and business continuity management.

Emergencies and business interruption (disruption) events have the potential to adversely impact the community and disrupt the strategic and operational activities of Council.

The purpose of this policy is to:

- Define Council's roles and responsibilities in emergency management and business continuity management
- Ensure that Council prepares and maintains appropriate emergency management and business continuity arrangements, and corresponding documents
- Support Council to maintain safe working practices during emergencies and disruption events, and maintain effective protection for council workers, assets and liabilities associated with these activities
- Provide a framework to mitigate the potential consequences of an emergency or disruption event to Council and its community.

2. POLICY

2.1 Emergency management

Emergency management is about preventing, preparing for, responding to, and recovering from emergencies that may affect the community and endanger life, property or the environment.

The role of the City of Tea Tree Gully in emergency management is informed by the State Emergency Management Plan (SEMP), the Local Government Emergency Management Framework (LGEMF), as well as various responsibilities under the Local Government Act 1999, with a focus on the areas of disaster risk reduction, incident operations and recovery.

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2.1 - Introduction¶

Emergencies have the potential to adversely impact the community and disrupt the strategic and operational activities of Council.¶

¶

The role of the City of Tea Tree Gully in emergency management is informed by the State Emergency Management Plan (SEMP), the Local Government Emergency Management Framework (LGEMF), as well as various responsibilities under the Local Government Act 1999, with a focus on the areas of disaster risk reduction, incident operations and recovery.¶

2.1.1 Disaster risk reduction (prevention and preparation)

Council will contribute to disaster risk reduction by:

- a. Building and promoting disaster resilience, and strengthening disaster resilience in the community
- b. Undertaking cost-effective measures to mitigate the effects of emergencies on local communities, including conducting emergency risk assessments
- c. Taking proper account of risk assessments in land-use planning to reduce hazard risk
- d. Representing community interests in emergency management at a regional level, and at other levels of government and contribute to decision-making processes
- e. Progressing local and zone level emergency planning and preparedness measures
- f. Supporting community preparedness measures through public education and awareness
- g. Understanding and communicating current and emerging disaster risks to relevant stakeholders, and partnering with local stakeholders in addressing priority emerging risks
- h. Integrating disaster risk reduction into existing plans and decision making where appropriate.

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2.1.2 Response - support to control agencies and emergency services

The City of Tea Tree Gully is a participating organisation of the Local Government Functional Support Group (LGFSG). Under the SEMP, the LGFSG has the responsibility to:

- a. Ensure coordinated operational support from local government during response and recovery
- b. Support the preparedness of the local government sector including building the capacity of councils to participate in emergency management.

Occasionally, Council resources (staff and/or equipment) will be requested to support Control Agencies and emergency services in managing an emergency. The provision of Council resources will be made in accordance with:

- a. Council's incident management arrangements
- b. Local Government Association of SA Protection Guide for Incident Operations
- c. LGFSG incident operations arrangements, including the i-Responda Operating Platform.

To maintain effective workers compensation and liability coverage when supporting Control Agencies and emergency services in incident operations, Council will:

- a. Apply appropriate risk management principles
- b. Have regard to the arrangements of the LGA Asset Mutual Fund, the LGA Workers Compensation Scheme and the LGA Mutual Liability Scheme.

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To support this policy and the i-Responda Operating Platform, Council will maintain an Emergency Response Register. Council will ensure that employees listed on the register are appropriately trained:

- a. To operate the plant and equipment that might be required to support an emergency response
- b. In work health and safety procedures that are pertinent to staying safe in an emergency
- c. And prepared to support Council's response to an emergency, recognising they will always have the right to decline their services.

Council will:

- a. Not obligate any Council employee to be listed on the Emergency Response Support Register, nor obligate any employee listed on the register to respond to a particular incident
- b. Ensure all Council employees who will be required to operate Council plant or equipment undertake i-Responda training as required
- c. Reserve the right, in accordance with the i-Responda Operating Platform, not to release Council employees, plant and/or equipment during an Emergency event should extenuating circumstances exist (as deemed by the CEO).

2.1.3 Response - incident operations

Council will maintain and implement appropriate incident operations by:

- a. Ensuring an adequate local Council emergency and business continuity response capability is in place within the organisation, through the development and testing of Council's incident management arrangements
- b. Maintain a Council Incident Management Team (CIMT) to coordinate Council's response to, and recovery from and emergency or disruption event
- c. Ensuring the provision of Council resources to support Control Agencies is done so in accordance with the Work Health and Safety Act 2012, LGA i-Responda Operating Platform, insurance provisions and LGFSG operational arrangements
- d. Ensuring appropriate local resources and arrangements are in place to support emergency relief and recovery services to communities in accordance with State arrangements
- e. Implementing lessons management processes, including participating in post-emergency assessment and analysis opportunities
- f. Building the capacity of the organisation to participate in the Local Government Functional Support Group.

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2.1.3 Recovery

Council will support and provide services to recovery activities by:

- a. Providing leadership, coordination and advocacy when the community is impacted by emergencies

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- b. Planning for recovery to establish the principles, structures, partnerships and approaches that will guide Council during recovery from emergencies
- c. Providing representation on local recovery committees and at community meetings where required
- d. Supporting emergency relief and recovery centres
- e. Providing support in assessing, mapping and informing the community of the impacts of the emergency on the Council area.
- f. Providing information on how members of the community can support those affected by emergencies based on advice from the recovery organiser (eg. donations and volunteering).

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2.2 Business continuity management

Business continuity management (BCM) is a structured approach to identifying disruption-related risks and building capacity to respond to a disruption to Council, to ensure continued delivery of key business services and achievement of critical business objectives. BCM is an important component of Council's broader risk management program contributing to good governance and organisational resilience.

Council is committed to ensuring the safety of people and the continuity of its critical business functions during periods of major disruption. It is acknowledged that the impact of disruption needs to be minimised where possible, and the restoration of services requires planning and preparation.

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Council will implement an effective and efficient BCM process by:

- a. Undertaking and maintaining a business impact analysis across all functions of Council to gain an understanding of activities and required supporting resources
- b. Documenting cost effective business continuity arrangements for critical functions in order to minimise disruption to Council and its delivery of services to the community
- c. Ensuring that plans to respond to disruption-related risk are kept up-to-date and are subject to periodic review and testing
- d. Continually aligning with the organisational risk management program and other relevant strategies/plans.

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Council's approach to BCM aligns with ISO 2231 Security and resilience – Business Continuity Management Systems – Requirements, and other relevant standards.

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2.3 Incident management documents

Council will maintain supporting incident management documentation that describes the strategies and operational actions that Council will take to implement this policy. Where Council resource commitments are made in these documents they will be subject to the normal strategic and business planning processes of Council.

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In developing these documents, Council will consider any relevant local, regional or State plans and arrangements as appropriate.

Council's incident management documentation will be reviewed and updated on a periodic basis to ensure that specific guidance provided by the SEMP or other relevant plans, strategies, frameworks and guidelines is included.

2.5 Financial spending during incidents

The CEO will report to Council as soon as reasonably practicable any material financial impacts of an emergency or disruption event which impacts on Council, its services or community.

Where costs for preparation, response or recovery are likely to exceed identified expenditure limits or are expenses not commonly encountered in Council's incident response experience, a Council decision may be required to consider specific financial allocations.

Where there are opportunities for cost recovery for incident expenditure Council will consider these as and when they become available.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Business continuity

The capability of Council to continue delivery of services at an acceptable level following a business interruption event.

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Control Agency

Refers to the agency assigned the function in the State Emergency Management Plan of exercising control at an emergency. A Control Agency is identified for each type of hazard, and takes charge of the emergency and provides leadership to all other agencies responding to an emergency.

Critical function

A business function (whole or part) identified as essential for the survival of the organisation and achievement of its objectives. A disruption may result in serious legal, financial, regulatory, reputational or other material consequences and Council will lose the capability to effectively achieve its critical objectives.

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2.6 Support to Control Agencies and emergency services¶

The City of Tea Tree Gully is a participating organisation of the Local Government Functional Support Group (LGFSG). The LGFSG has the responsibility for "coordinating response from local government during an emergency" in accordance with Section 2.2 of Part Two of the SEMP.¶

Occasionally, Council resources (staff and/or equipment) will be requested to support Control Agencies and emergency services in managing an emergency. The provision of Council resources will be made in accordance with:¶

Council's incident management arrangements¶
Local Government Association of SA Protection Guide for Incident Operations¶

LGFSG incident operations arrangements, including the i-Responda Operating Platform.¶

To maintain effective workers compensation and liability coverage when supporting Control Agencies and emergency services in incident operations, Council will:¶
Apply appropriate risk management principles¶
Have regard to the arrangements of the LGA Asset Mutual Fund, the LGA Workers Compensation Scheme and the LGA Mutual Liability Scheme.¶

To support this policy and the i-Responda Operating Platform, Council will maintain an Emergency Response Register. Council will ensure that employees listed on the register are appropriately trained:¶

To operate the plant and equipment that might be required to support an emergency response¶
In work health and safety procedures that are pertinent to staying safe in an emergency¶
And prepared to support Council's response to an emergency, recognising they will always have the right to decline their services.¶

Council will:¶
Not obligate any Council employee to be listed on the Emergency Response Support Register, nor obligate any employee listed on the register to respond to a particular incident¶

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Disaster risk

Refers to the potential loss of life, injury, or destroyed or damaged assets which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity.

Disaster risk reduction

Refers to action to avoid the creation of new disaster risks, reducing existing disaster risks, and managing any residual risk.

Disruption

An event that interrupts normal business functions, operations or processes, whether anticipated or unanticipated.

Disruption-related risk

Risk arising from the possibility of disruption events (e.g. loss of facility due to fire).

Emergency

Refers to an event (whether occurring in the State, outside the State or in an outside the State) that causes, or threatens to cause:

- a. The death of, or injury or other damage to the health of, any person; or
- b. The destruction of, or damage to, any property; or
- c. A disruption to essential services or to services usually enjoyed by the community; or
- d. Harm to the environment, or to flora or fauna.

Emergency management

Refers to a range of measures to manage risks to the community and the environment.

Incident operations

Refers to actions undertaken immediately before, during and immediately after an emergency.

i-Responda Operating Platform

Developed by the Local Government Association of South Australia to assist councils to plan and implement their response to emergency incidents.

LGEMF

Refers to the Local Government Emergency Management Framework.

LGFSG

Refers to the Local Government Functional Support Group.

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Recovery

Refers to the process of restoring emotional, social, economic and physical wellbeing, reconstructing physical infrastructure and restoring the environment following an emergency.

SEMP

Refers to the State Emergency Management Plan.

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4. LEGISLATIVE FRAMEWORK

Local Government Act 1999

Section 7(c) of the Act requires Council to provide for the welfare, well-being and interests of individuals and groups within its community. Section 7(d) requires Council to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards. Section 8 of the Act states that Council must 'give due weight, in all its plans, policies and activities to regional, state and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community'.

State Emergency Management Act 2004

This Act outlines the State's strategies and systems for emergency management including direct references to local government. It provides the power for the creation of the State Emergency Management Committee and the State Emergency Management Plan.

State Emergency Management Plan

Council's link to the State emergency management arrangements is through the SEMP. The SEMP is prepared under section 9 of the Emergency Management Act 2004, and establishes the roles and responsibilities of local government in emergency management.

The LGFSG is established under the SEMP.

4.1 Other references

Council's documents including:

- a. Incident Management Framework
- b. Emergency Management Plan
- c. Business Continuity Plan
- d. Incident Operations Manual

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External documents including:

- a. LGASA Emergency Management Framework
- b. LGASA Protection Guide for Incident Operations

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5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this policy:

| Objective | Comments |
|---|---|
| Environment | |
| <i>A community that is protected from public and environmental health risks</i> | The Incident Management Policy provides assurance to the community about Council's commitment to emergency management, across the key focus areas of disaster risk reduction, incident operation and recovery. This allows Council to support its community and emergency services when emergencies occur. |
| <i>We are resilient to climate change and equipped to manage the impact of extreme weather events</i> | Council's approach to emergency management and business continuity management considers climate change, and recognises the need to better mitigate our known risks and better understand our emerging risks. |
| Leadership | |
| <i><u>Leadership and advocacy is focused on the long term interests of the community</u></i> | <u>The Incident Management Policy demonstrates Council's commitment to the wellbeing and interests of its community by ensuring impacts from emergencies and disruptions are minimised.</u> |

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5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on four key themes of organisational excellence. The themes most relevant to this policy are: Customer Care; Learning & Growth; Future Capability; Sustainable Operations.

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6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

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| | |
|---------------------------------|---|
| Record number | D23/80745 |
| Responsible Manager | Manager Corporate Governance |
| Other key internal stakeholders | General Manager City Operations General Manager Corporate Services General Manager Community Services |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 26/10/21, 19/06/19 |
| Legal requirement | NA |
| Due date next review | 2027 |
| Delegations | |

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WATERWORLD MANAGEMENT POLICY

Responsible Manager: Manager Health and Recreation

This policy is being reviewed as part of a formal request from the Executive Leadership Team.

The purpose is to review our operating hours as a result on enquires from the general public about opening on Boxing Day/Proclamation Day. The policy currently does not allow us to open on these days. The amendments to this policy will allow the CEO the discretion upon assessment of the forecasted weather to open Waterworld on Boxing Day/Proclamation Day

The policy was last reviewed in August 2021

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Waterworld Management Policy” **as reviewed by** the Governance and Policy Committee on 22 November 2023 be adopted.

| Summary of changes | | |
|--------------------|---------------------|--|
| Page No. | Heading | Comments |
| 1 | 2.1 Operating Hours | Boxing Day/Proclamation Day shall open at the discretion of the CEO upon assessment of the forecasted weather. |

| Changes during or after GPC Meeting for Council Meeting [date] | | |
|--|--|--|
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| Supporting Information | | |
|------------------------|--|--|
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Attachments

1. [↓](#) Waterworld Management Policy 121

Waterworld Management Policy



1. PURPOSE

The purpose of this policy is to inform the community of Waterworld's hot and cold weather policy and admission categories and conditions.

2. POLICY

With the climate being variable and at times unpredictable, Waterworld will operate with some flexibility to vary the opening and closing times on individual days.

2.1 Operating Hours

Waterworld is to be open 7 days per week during the summer season, excluding Christmas Day, and Good Friday when the Centre is closed. Boxing Day/Proclamation Day shall open at the discretion of the CEO upon assessment of the forecasted weather. The summer season typically operates from October to April the following year, with the exact date being approved by the CEO, based on various elements including weather and maintenance requirements.

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Standard operating hours will apply at Waterworld for each season, which generally will be:

Monday to Friday from 6.00am – 7.30pm

Saturday from 7.00am – 6.00pm

Sunday from 9.00am – 6.00pm

These times may be varied due to a range of circumstances such as, very hot or wet and cold weather conditions, events or maintenance requirements.

The Centre will close at 6 pm on Christmas Eve and New Year's Eve.

All standard times will be published on Council's website and variations promoted through Council's social media.

2.2 Hot Weather

Based on the 6:00pm Bureau of Meteorology (www.bom.gov.au) weather forecast for Adelaide, if the following day's forecasted temperature be 37C or above, then Waterworld may remain open to the public for an additional period of time subject to prior bookings and events. The Duty Manager, in consultation with senior management staff, will at this

time make the decision regarding extended opening hours for the following day's operations.

2.3 Cold Weather

When the temperature is 20C or below, then Waterworld may close to the public prior to the regular closing time. This decision will be made in conjunction with senior management staff, and any previous commitments e.g. birthday parties, will proceed as previously agreed.

2.4 Variations

These arrangements can be varied when specific circumstances are met e.g. weather, low numbers, emergency repairs, declared pandemic or state emergency.

2.5 Signage

Signage will be displayed at Waterworld, when the decision has been made to close at a time different to the normal hours of operation. Where possible, this will also be made available on Council's website, digital signage and Councils social media pages.

2.6 Fees and Charges

Free admission will be granted to swimmers who wish to enter Waterworld before 9am Saturday and before 3pm Monday to Friday (Waterworld does not open until 9am Sunday), for swimmers who are (proof of age may be requested):

- a. Holders of Age or Veteran Pension Cards
- b. Holders of a Commonwealth Seniors Health Card
- c. Carer payment recipients who are also of Age or Veteran pension eligibility

Persons holding a Companion Card are permitted to enter Waterworld (during opening hours) at no charge when attending in a carer / companion capacity, and in association with a paying entry of the person being cared for.

Availability of free admission may be impacted by clause 2.3 Variations or other restrictions such as picnic week carnivals or other bookings (schools, club events or other).

Waterworld will charge General Admission fees for the following categories, or as otherwise listed in Council's approved Fees and Charges Register:

- a. Age 0-3, 3-15 and 16+ years
- b. Spectators
- c. Family passes
- d. Season / defined period passes
- e. Special occasion entry
- f. Groups, picnic week and school admission (bulk entry fees)

Admission fees may also apply to aquatic programs (eg. swimming lessons and fitness programs) and waterslide/aqua run entry.

A concession rate will be applied to the following categories:

- a. Pensioner (attending outside of approved 'free admission' times)
- b. Disability
- c. All students
- d. Health Care Card holders
- e. Any concession card

At the discretion of Council's CEO (or delegate) fees and charges may be waived or reduced as required.

During non-peak times, or for marketing purposes, Council may issue a range of promotions to increase attendance at Waterworld. Fees and Charges may be varied and/or waived in accordance with this purpose.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Waterworld

Council's aquatic centre located at Jack High Lane, Ridgehaven

4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

4.1 Other references

Council's documents including:

- a. Council's Fees and Charges Register

5. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

| | |
|---------------------------------|---|
| Record number | D23/94542 |
| Responsible Manager | Manager Health & Recreation Services |
| Other key internal stakeholders | General Manager Community Services Facility Manager, Waterworld Aquatic Centre |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 24/8/21, 15/08/18, 21/10/15, 9/10/12 |
| Legal requirement | |
| Due date next review | 2027 |
| Delegations | |

Governance and Policy Committee - 22 November 2023



Status Report on Governance and Policy Committee Resolutions

Note: This report is provided as information only. Actions relating to confidential minutes may not be included in the Status Report.

Note: This report will be presented on a monthly basis, to the first meeting each month.

Pending Actions

Nil

Completed Actions

| Minute No. | Meeting Date | Officer | Subject | Completed |
|---|--------------|-----------------|--|------------|
| 21 | 30/08/2023 | Barnes, Kristyn | Development Assessment Delegation Policy | 15/09/2023 |
| D23/67492 | | | | |
| 15 Sep 2023 10:15am Barnes, Kristyn - Completion | | | | |
| Completed by Barnes, Kristyn (action officer) on 15 September 2023 at 10:15:27 AM - Policy has been revoked and has been removed from website | | | | |

| Minute No. | Meeting Date | Officer | Subject | Completed |
|--|--------------|-----------------|-------------------------------|------------|
| 22 | 30/08/2023 | Barnes, Kristyn | External Grant Funding Policy | 15/09/2023 |
| D23/67492 | | | | |
| 15 Sep 2023 11:46am Barnes, Kristyn - Completion | | | | |
| Completed by Barnes, Kristyn (action officer) on 15 September 2023 at 11:46:21 AM - Policy has been adopted and uploaded to website. | | | | |

| Minute No. | Meeting Date | Officer | Subject | Completed |
|--|--------------|-----------------|-----------------------------|------------|
| 19 | 30/08/2023 | Barnes, Kristyn | Easements Management Policy | 15/09/2023 |
| D23/67492 | | | | |
| 15 Sep 2023 11:20am Barnes, Kristyn - Completion | | | | |

Completed by Barnes, Kristyn (action officer) on 15 September 2023 at 11:20:02 AM - Easements Management Policy has been adopted and uploaded to website

| Minute No. | Meeting Date | Officer | Subject | Completed |
|--|--------------|-----------------|--|------------|
| 20 | 30/08/2023 | Barnes, Kristyn | Liquor Licence Application Management Policy | 15/09/2023 |
| D23/67492 | | | | |
| 15 Sep 2023 11:35am Barnes, Kristyn - Completion | | | | |
| Completed by Barnes, Kristyn (action officer) on 15 September 2023 at 11:35:42 AM - Liquor Licence Application Management Policy has been adopted and uploaded to website. | | | | |

| Minute No. | Meeting Date | Officer | Subject | Completed |
|--|--------------|-----------------|---|------------|
| 24 | 30/08/2023 | Barnes, Kristyn | Code of Practice for Meeting Procedures | 28/09/2023 |
| D23/67492 | | | | |
| 28 Sep 2023 2:06pm Barnes, Kristyn - Completion | | | | |
| Completed by Barnes, Kristyn (action officer) on 28 September 2023 at 2:06:47 PM - Council adopted the policy subject to some wording changes. The changes were made and the policy has been published to website. | | | | |

| Minute No. | Meeting Date | Officer | Subject | Completed |
|--|--------------|-----------------|-----------------------------|------------|
| 23 | 30/08/2023 | Barnes, Kristyn | Citizenship Ceremony Policy | 28/09/2023 |
| D23/67492 | | | | |
| 28 Sep 2023 11:13am Barnes, Kristyn - Completion | | | | |
| Completed by Barnes, Kristyn (action officer) on 28 September 2023 at 11:13:27 AM - Policy was adopted to Council with a minor change. Policy has been updated and published on the website. | | | | |